

4-13-2017

## State v. Pieper Clerk's Record Dckt. 44818

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IN THE SUPREME COURT OF THE STATE OF IDAHO

STATE OF IDAHO	)	SUPREME COURT NUMBER
Plaintiff/Respondent	)	
	)	44818
vs.	)	
	)	
Tyson Michael Pieper	)	
<u>Defendant/Appellant</u>	)	

CLERK'S RECORD

APPEAL FROM THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI  
THE HONORABLE JOHN T. MITCHELL, PRESIDING JUDGE  
FIRST JUDICIAL DISTRICT, PRESIDING

ERIC D. FREDERICKSEN  
STATE APPELLATE  
PUBLIC DEFENDER  
322 E FRONT ST. SUITE 570  
  
BOISE, ID 83702

MR. LAWRENCE WASDEN  
ATTORNEY GENERAL  
STATE OF IDAHO  
700 W  
JEFFERSON, STE 210  
BOISE, ID 83720

State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
5/23/2016	NCRF	LEGARD	New Case Filed - Felony
	CRCO	LEGARD	Criminal Complaint
	AFPC	LEGARD	Affidavit Of Probable Cause
	ORPC	LEGARD	Order Finding Probable Cause
	HRSC	LEGARD	Hearing Scheduled (Arraignment/First Appearance 05/23/2016 01:00 PM)
	NOTE	LEGARD	Judge Mitchell
	ARRN	LEGARD	Hearing result for Arraignment/First Appearance scheduled on 05/23/2016 01:00 PM: Arraignment / First Appearance
5/24/2016	ORBC	LEGARD	Order Setting Bond and Conditions of Release
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing Status Conference 06/02/2016 08:30 AM)
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing 06/03/2016 01:30 PM)
5/27/2016		HOFFMAN	Notice of Preliminary Hearing Status Conference and Preliminary Hearing
	ORPD	LSMITH	Defendant: Pieper, Tyson Michael Order Appointing Public Defender Public defender Public Defender
6/1/2016	SUBF	JLEIGH	Subpoena Return/found - JW
	SUBF	KOZMA	Subpoena Return/found-ZJ
6/2/2016	PRQD	EVANS	Plaintiff's Request For Discovery
	PRSD	EVANS	Plaintiff's Response To Discovery
	PSRS	EVANS	Plaintiff's Supplemental Response To Discovery Regarding Expert Witness
	MEMO	EVANS	Reimbursement Memorandum
	HRHD	WATKINS	Hearing result for Preliminary Hearing Status Conference scheduled on 06/02/2016 08:30 AM: Hearing Held
6/3/2016	NOAC	EVANS	Notice Of Assignment Change
	NAPH	LUCKEY	Notice of Appearance, Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing
	DRQD	LUCKEY	Defendant's Request For Discovery
	HRHD	SASSER	Hearing result for Preliminary Hearing scheduled on 06/03/2016 01:30 PM: Hearing Held 2 witnesses
	NAPH	LUCKEY	Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing
	DRQD	LUCKEY	Defendant's Request For Discovery
	DRSD	LUCKEY	Defendant's Response To Discovery

State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
6/3/2016	OBJT	LUCKEY	Objection To Ex Parte Post-Trial Judge-Jury Contact
	MNSP	LUCKEY	Motion To Suppress
	OBJT	LUCKEY	Objection To Consideration Of Evidence Subject To Suppression And Notice Of Intent To Produce Evidence And Cross Examine State Witnesses
6/6/2016	DRSD	SANCHEZ	Defendant's Response To Discovery
6/7/2016	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing Status Conference 06/14/2016 08:30 AM)
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing 06/16/2016 01:30 PM)
		HOFFMAN	Notice of Preliminary Hearing Status Conference and Preliminary Hearing
6/9/2016	SUBF	KOZMA	Subpoena Return/found-JW
	SUBF	KOZMA	Subpoena Return/found-ZJ
6/14/2016	HRHD	POOLE	Hearing result for Preliminary Hearing Status Conference scheduled on 06/14/2016 08:30 AM: Hearing Held
	CONT	POOLE	Hearing result for Preliminary Hearing scheduled on 06/16/2016 01:30 PM: Continued
	PRSD	LADUSKY	Plaintiff's First Supplemental Response To Discovery
	MEMR	LUNNEN	Amended Reimbursement Memorandum
6/15/2016	HRSC	GARZA	Hearing Scheduled (Preliminary Hearing Status Conference 06/28/2016 08:30 AM)
	HRSC	GARZA	Hearing Scheduled (Preliminary Hearing 06/30/2016 01:30 PM)
		GARZA	Notice of Preliminary Hearing Status Conference and Preliminary Hearing
	PRSD	SANCHEZ	Plaintiff's Second Supplemental Response To Discovery
6/16/2016	DRQD	SANCHEZ	Defendant's Supplemental Request For Discovery
6/17/2016	PRSD	LUCKEY	Plaintiff's Response to Defendant's Supplemental Request for Discovery
6/20/2016	SUBF	KOZMA	Subpoena Return/found-JW
6/28/2016	HRHD	RILEY	Hearing result for Preliminary Hearing Status Conference scheduled on 06/28/2016 08:30 AM: Hearing Held
6/29/2016	SUBF	JLEIGH	Subpoena Return/found - ZJ
6/30/2016	PHHD	LUCKEY	Hearing result for Preliminary Hearing scheduled on 06/30/2016 01:30 PM: Preliminary Hearing Held
	BOUND	LUCKEY	Bound Over (after Prelim)



State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
6/30/2016	ORHD	LUCKEY	Order Holding Defendant
7/6/2016	INFO	LUCKEY	Information
7/7/2016	HRSC	CLAUSEN	Hearing Scheduled (Arraignment in District Court 07/27/2016 09:00 AM)
		CLAUSEN	Notice of Hearing
7/8/2016	NODF	LUCKEY	Notice To Defendant
	BNDS	LUCKEY	Bond Posted - Surety (Amount 50000.00 )
	WAEX	LUCKEY	Waiver of Extradition
7/27/2016	DCHH	TBURTON	Hearing result for Arraignment in District Court scheduled on 07/27/2016 09:00 AM: District Court Hearing Held Court Reporter: Julie Foland Number of Transcript Pages for this hearing estimated: Under 100
	PLEA	TBURTON	A Plea is entered for charge: - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	PLEA	TBURTON	A Plea is entered for charge: - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	PLEA	TBURTON	A Plea is entered for charge: - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	PLEA	TBURTON	A Plea is entered for charge: - NG (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DFNG	TBURTON	Defendant's Written Plea Of Not Guilty
	HRSC	TBURTON	Hearing Scheduled (Pre-Trial Conference 09/15/2016 02:00 PM)
	HRSC	TBURTON	Hearing Scheduled (Jury Trial Scheduled 09/19/2016 09:00 AM) 2 DAYS
		TBURTON	Notice of Hearing
	MNPH	SANCHEZ	Motion For Preparation Of Preliminary Hearing Transcript
8/2/2016	PLWL	SANCHEZ	Plaintiff's Witness List
8/3/2016	ORDR	CLAUSEN	Order for Preparation of Preliminary Hearing Transcript
8/4/2016	ESTI	VIGIL	Estimate Of Transcript Costs
	SUBF	KOZMA	Subpoena Return/found-JW
	SUBF	KOZMA	Subpoena Return/found-JW
8/26/2016	DRSD	SANCHEZ	Defendant's Supplemental Response To Discovery
8/29/2016	DRSD	SANCHEZ	Defendant's Second Supplemental Response To Discovery

State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
9/6/2016	HRVC	CLAUSEN	Hearing result for Pre-Trial Conference scheduled on 09/15/2016 02:00 PM: Hearing Vacated
	HRSC	CLAUSEN	Hearing Scheduled (Pre-Trial Conference 09/14/2016 02:00 PM)
		CLAUSEN	AMENDED Notice of Hearing
9/8/2016	NLTR	SANCHEZ	Notice of Lodging Preliminary Hearing Transcript - 68 pages, Valerie Nunemacher
	RECT	SANCHEZ	Receipt Of Transcript - Defense Attorney
9/12/2016	RECT	SANCHEZ	Receipt Of Transcript - KCPA
	MNCN	SANCHEZ	Motion To Continue Pre-Trial Conference and Jury Trial
	BNDC	LUNNEN	Bond Posted - Cash (Receipt 36620 Dated 9/12/2016 for 35.75)
	BNDV	VIGIL	Bond Converted (Transaction number 1621 dated 9/12/2016 amount 35.75)
9/13/2016	ORDR	CLAUSEN	Order Continuing Pretrial Conference and Jury Trial
	CONT	CLAUSEN	Hearing result for Pre-Trial Conference scheduled on 09/14/2016 02:00 PM: Continued
	HRSC	CLAUSEN	Hearing Scheduled (Pre-Trial Conference 11/09/2016 02:00 PM)
	CONT	CLAUSEN	Hearing result for Jury Trial Scheduled scheduled on 09/19/2016 09:00 AM: Continued 2 DAYS
	HRSC	CLAUSEN	Hearing Scheduled (Jury Trial Scheduled 11/14/2016 09:00 AM) 2 DAYS
		CLAUSEN	Notice of Hearing
9/14/2016	HRSC	CLAUSEN	Hearing Scheduled (Motion to Suppress/Limine 11/02/2016 04:00 PM) Palmer
	NOTH	LUNNEN	Notice Of Hearing
9/20/2016	SUBF	KOZMA	Subpoena Return/found-JW
9/27/2016	SUBF	KOZMA	Subpoena Return/found-JW
10/19/2016	MISC	ANDERSEN	NEW FILE CREATED ***** #2
10/20/2016	MEMO	LUNNEN	Memorandum In Support Of Defendant's Motion To Suppress
11/1/2016	BRIE	SANCHEZ	Brief In Opposition To Motion To Suppress And Dismiss
11/2/2016	DCHH	CLAUSEN	Hearing result for Motion to Suppress/Limine scheduled on 11/02/2016 04:00 PM: District Court Hearing Held Court Reporter: KIM HANNAN MOTION DENIED
11/9/2016	ORDR	CLAUSEN	Order Denying Defendant's Motion to Suppress

State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
11/9/2016	HRSC	CLAUSEN	Hearing Scheduled (Sentencing 01/10/2017 03:30 PM)
	DCHH	ANDERSEN	Hearing result for Pre-Trial Conference scheduled on 11/09/2016 02:00 PM: District Court Hearing Held Court Reporter: JULIE FOLAND Number of Transcript Pages for this hearing estimated:
	HRVC	ANDERSEN	Hearing result for Jury Trial Scheduled scheduled on 11/14/2016 09:00 AM: Hearing Vacated 2 DAYS
	INFO	ANDERSEN	Amended Information
	MOTN	ANDERSEN	Motion to Dismiss Counts II Through IV
	PTSO	ANDERSEN	Pretrial Settlement Offer
	PLAG	ANDERSEN	Rule 11 Plea Agreement
	PSIO1	ANDERSEN	Pre-Sentence Investigation Evaluation Ordered & Sentencing Date
	PLEA	ANDERSEN	A Plea is entered for charge: - GT (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DMOP	RILEY	Dismissed on Motion of the Prosecutor (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DMOP	RILEY	Dismissed on Motion of the Prosecutor (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DMOP	RILEY	Dismissed on Motion of the Prosecutor (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	ORDR	RILEY	Order to Dismiss Counts II through IV
11/16/2016		MITCHELL	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Carly Receipt number: 0045025 Dated: 11/16/2016 Amount: \$4.00 (E-payment)
1/6/2017	PSIR	CLAUSEN	Presentence Investigation Report Document sealed
1/9/2017	FILE	SANCHEZ	*****New File Created - #3 PSI*****
1/10/2017	DCHH	TBURTON	Hearing result for Sentencing scheduled on 01/10/2017 03:30 PM: District Court Hearing Held Court Reporter: Julie Foland Number of Transcript Pages for this hearing estimated: Under 100
	SNPF	RILEY	Sentenced To Pay Fine (I37-2732(c)(1) {F} Controlled Substance-Possession of)

State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
1/10/2017	SNIC	RILEY	Sentenced To Incarceration (I37-2732(c)(1) {F} Controlled Substance-Possession of) Confinement terms: Credited time: 47 days. Penitentiary determinate: 1 year. Penitentiary indeterminate: 4 years.
	STAT	RILEY	Case status changed: closed pending clerk action
	JDMT	RILEY	Sentencing Disposition and Notice of Right to Appeal
1/12/2017	BNDE	RILEY	Surety Bond Exonerated (Amount 50,000.00)
1/30/2017	APSC	KIPP	Appealed To The Supreme Court
	AFFD	KIPP	Affidavit Of Michael G. Palmer In Support Of Motion To Appoint State Appellate Public Defender
	MNPD	KIPP	Motion For Appointment Of State Appellate Public Defender
2/2/2017	ORST	CLAUSEN	Order for appointment of State Appellate Public Defender in direct appeal; retaining trial counsel for residual purposes.
2/21/2017	NAPL	KIPP	Notice Of Appeal Due Date From Supreme Court
3/16/2017	ANOA	OREILLY	Amended Notice of Appeal
3/21/2017	NLTR	KIPP	Notice of Lodging Transcript- Kim Hannan, 74 Pages, From 11/2/16
3/22/2017	MISC	KIPP	New Appeal Due Dates
3/29/2017	NLTR	KIPP	Notice of Lodging Transcript- 22 Pages, 11/9/16 & 1/10/17, Julie Foland

State of Idaho vs. Tyson Michael Pieper

Date	Code	User		Judge
5/23/2016	NCRF	LEGARD	New Case Filed - Felony	To Be Assigned
	CRCO	LEGARD	Criminal Complaint	James Combo
	AFPC	LEGARD	Affidavit Of Probable Cause	To Be Assigned
	ORPC	LEGARD	Order Finding Probable Cause	James Combo
	HRSC	LEGARD	Hearing Scheduled (Arraignment/First Appearance 05/23/2016 01:00 PM)	James Combo
	NOTE	LEGARD	Judge Mitchell	To Be Assigned
	ARRN	LEGARD	Hearing result for Arraignment/First Appearance scheduled on 05/23/2016 01:00 PM: Arraignment / First Appearance	James Combo
5/24/2016	ORBC	LEGARD	Order Setting Bond and Conditions of Release	James Combo
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing Status Conference 06/02/2016 08:30 AM)	James D Stow
	HRSC	HOFFMAN	Hearing Scheduled (Preliminary Hearing 06/03/2016 01:30 PM)	Clark A. Peterson
5/27/2016		HOFFMAN	Notice of Preliminary Hearing Status Conference and Preliminary Hearing	To Be Assigned
	ORPD	LSMITH	Defendant: Pieper, Tyson Michael Order Appointing Public Defender Public defender Public Defender	Anna Eckhart
6/1/2016	SUBF	JLEIGH	Subpoena Return/found - JW	To Be Assigned
	SUBF	KOZMA	Subpoena Return/found-ZJ	To Be Assigned
6/2/2016	PRQD	EVANS	Plaintiff's Request For Discovery	To Be Assigned
	PRSD	EVANS	Plaintiff's Response To Discovery	To Be Assigned
	PSRS	EVANS	Plaintiff's Supplemental Response To Discovery Regarding Expert Witness	To Be Assigned
	MEMO	EVANS	Reimbursement Memorandum	To Be Assigned
	HRHD	WATKINS	Hearing result for Preliminary Hearing Status Conference scheduled on 06/02/2016 08:30 AM: Hearing Held	James D Stow
6/3/2016	NOAC	EVANS	Notice Of Assignment Change	To Be Assigned
	NAPH	LUCKEY	Notice of Appearance, Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing	To Be Assigned
	DRQD	LUCKEY	Defendant's Request For Discovery	To Be Assigned
	HRHD	SASSER	Hearing result for Preliminary Hearing scheduled on 06/03/2016 01:30 PM: Hearing Held 2 witnesses	Clark A. Peterson
	NAPH	LUCKEY	Request for Timely Preliminary Hearing, Motion for Bond Reduction and Notice of Hearing	To Be Assigned
	DRQD	LUCKEY	Defendant's Request For Discovery	To Be Assigned
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State of Idaho vs. Tyson Michael Pieper

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State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
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7/6/2016	INFO	LUCKEY	Information
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	HRSC	TBURTON	Hearing Scheduled (Jury Trial Scheduled 09/19/2016 09:00 AM) 2 DAYS
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9/27/2016	SUBF	KOZMA	Subpoena Return/found-JW
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	MOTN	ANDERSEN	Motion to Dismiss Counts II Through IV
	PTSO	ANDERSEN	Pretrial Settlement Offer
	PLAG	ANDERSEN	Rule 11 Plea Agreement
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	PLEA	ANDERSEN	A Plea is entered for charge: - GT (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DMOP	RILEY	Dismissed on Motion of the Prosecutor (I37-2732(c)(1) {F} Controlled Substance-Possession of)
	DMOP	RILEY	Dismissed on Motion of the Prosecutor (I37-2732(c)(1) {F} Controlled Substance-Possession of)
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	ORDR	RILEY	Order to Dismiss Counts II through IV
11/16/2016		MITCHELL	Miscellaneous Payment: For Making Copy Of Any File Or Record By The Clerk, Per Page Paid by: Carly Receipt number: 0045025 Dated: 11/16/2016 Amount: \$4.00 (E-payment)
1/6/2017	PSIR	CLAUSEN	Presentence Investigation Report Document sealed
1/9/2017	FILE	SANCHEZ	*****New File Created - #3 PSI*****
1/10/2017	DCHH	TBURTON	Hearing result for Sentencing scheduled on 01/10/2017 03:30 PM: District Court Hearing Held Court Reporter: Julie Foland Number of Transcript Pages for this hearing estimated: Under 100
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State of Idaho vs. Tyson Michael Pieper

Date	Code	User	Judge
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	JDMT	RILEY	Sentencing Disposition and Notice of Right to Appeal
1/12/2017	BNDE	RILEY	Surety Bond Exonerated (Amount 50,000.00)
1/30/2017	APSC	KIPP	Appealed To The Supreme Court
	AFFD	KIPP	Affidavit Of Michael G. Palmer In Support Of Motion To Appoint State Appellate Public Defender
	MNPD	KIPP	Motion For Appointment Of State Appellate Public Defender
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3/22/2017	MISC	KIPP	New Appeal Due Dates
3/29/2017	NLTR	KIPP	Notice of Lodging Transcript- 22 Pages, 11/9/16 & 1/10/17, Julie Foland

3 irry McHugh  
Prosecuting Attorney  
501 N. Government Way  
Coeur d'Alene, ID 83815  
Telephone: (208) 446-1800  
Facsimile: (208) 446-1833

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: 155

2016 MAY 23 AM 11:32

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF IDAHO  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

DEPUTY

STATE OF IDAHO,

*Plaintiff*

*Vs*

Name: Pieper, Tyson Michael

DOB [REDACTED]

SSN: [REDACTED]

AGENCY CASE NO. 16C15140

*Defendant*

Case No. 0216-9592

**AFFIDAVIT IN SUPPORT  
OF PROBABLE CAUSE**

County of KOOTENAI, STATE OF IDAHO, to:

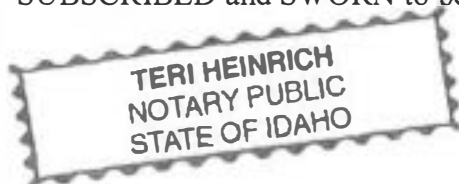
Detective **Craig V. Buhl**, being first duly sworn, deposes and says that:

I am a detective for the Coeur d'Alene Police Department for the City of Coeur d'Alene. The basis for the request for the issuance of a **Criminal Complaint** is set forth in the police report attached hereto and incorporated herein. I further depose and say that I have read the report and all the contents are true and correct to the best of my knowledge, and that I am the author or that I personally know the author of the report to be a law enforcement officer whom I believe to be credible and reliable.

DATED this 23rd day of May, 2016.

*Craig V. Buhl*  
AFFIANT

SUBSCRIBED and SWORN to before me on this 23rd day of, May 2016.



*Teri Heinrich*  
NOTARY PUBLIC FOR IDAHO  
RESIDING AT: *Kootenai County*  
COMMISSION EXP. *12-31-2021*

**P. -BOOKING INFORMATION SHEET**  
KOOTENAI COUNTY PUBLIC SAFETY BUILDING

Booking # \_\_\_\_\_  
Name ID # \_\_\_\_\_ Date 5-22-16

**ARRESTEE:**

Name PIEPER TYSON MICHAEL  
Last First Middle

AKA \_\_\_\_\_

Address 4201 HWY 200 49

City Thompson ST MT Zip 59823

Home Phone 404 334-3714 SS# \_\_\_\_\_

City/State of Birth FRASNO CA DOB \_\_\_\_\_

Employer N/A

D.L. # 0602319734127 State MT Occupation N/A Work Phone # \_\_\_\_\_

**PHYSICAL DESCRIPTION:**

Height 5' 09" Weight 155 Sex M Hair BLK Eyes BLU

Race W Glasses N Contacts N Facial Hair Goatee

Scars, Marks, Tattoo's TAT L ARM: TAT DRUM TAT R. ARM: 15011  
TAT BACK: YEM VANG TAT CHEST: SKULL

Clothing Description \_\_\_\_\_

**ARRESTING OFFICER INFORMATION:**

Date / Time of Arrest 5-22-16 / 2255 Location 1718 H 15th St Dist 82

Arresting Officer J. JOHNS # 1196 Agency CIDAD Arrival at PSB 2258

**CHARGES AND BAIL:** ARREST TYPE: ☒ ON-VIEW ☐ WARRANT ☐ CITIZEN ☐ OTHER

M / F	Code	Charges	Bail	Sentence	Warrant or Case #
1. F	37-27324	PCS / Meth	0		
2. F	37-27321	PCS / Hydro	0		
3. F	37-27321	PCS / Morphine	0		
4. F	37-2732E	Possession of marijuana	0		
5.					
6.					

Is the arresting officer aware of any mental or physical conditions this inmate may have which might affect his/her safety or ability to be held without special attention by jail staff? ☒ No, ☐ Yes (Explain) \_\_\_\_\_

Did the arrestee arrive with prescription medication? ☒ No, ☐ Yes

**VEHICLE INFORMATION:**

Vehicle Lic. 358766B ST MT YR 2000 Make Mercury Model Cougar Body Hatchback Color(s) Silver

Vehicle Disposition Towed by Schuffers

**CITIZEN ARREST:**

I hereby arrest the above named suspect on the charge(s) indicated and request a peace officer to take him/her into custody. I will appear as directed and sign a complaint against the person I have arrested.

Arresting Persons Name	Address	Phone #
	Race	Sex
	DOB	Employer
	Phone #	
Officer <u>J. JOHNS</u>	ID # <u>1196</u>	Approved By
	ID #	Date

**VICTIM'S RIGHTS INFORMATION:**

Name:	Code	Mult. Victims	Address:	Phone:
		<input type="checkbox"/> Yes <input type="checkbox"/> No		
Occupation:	Race/Sex	Age	DOB	Business Address:
Tyson Michael Pieper				44818
				15



# Coeur d'Alene Police

Officer Report for Incident 16C15140

**Nature:** DRUGS

**Address:** 1718 N 15TH ST; CHERRY HILL  
PARK

**Location:** 82

COEUR D'ALENE ID 83814

**Offense Codes:** CSPS, CSPX, CSPO, CSPM

**Received By:** J.NIXON

**How Received:** O

**Agency:** CDA

**Responding Officers:** Z.JOHNS, A.CALIA, C.HUTCHISON

**Responsible Officer:** Z.JOHNS

**Disposition:** CAA 05/22/16

**When Reported:** 22:39:38 05/22/16

**Occurred Between:** 22:37:30 05/22/16 and 22:37:30 05/22/16

**Assigned To:**

**Detail:**

**Date Assigned:** \*\*/\*\*/\*\*

**Status:**

**Status Date:** \*\*/\*\*/\*\*

**Due Date:** \*\*/\*\*/\*\*

**Complainant:** 9301

**Last:** CDAPD

**First:**

**Mid:**

**DOB:** \*\*/\*\*/\*\*

**Dr Lic:**

**Address:** 3818 N SCHREIBER WAY

**Race:**

**Sex:**

**Phone:** (208)769-2320

**City:** COEUR D'ALENE, ID 83815

## Offense Codes

**Reported:** NC Not Classified

**Observed:** CSPS Cont Subst/Possess Synthetics

**Additional Offense:** CSPS Cont Subst/Possess Synthetics

**Additional Offense:** CSPX Cont Subst Pos  
Oxyctn/Hydrocod

**Additional Offense:** CSPO Controlled Substance/Possession

**Additional Offense:** CSPM Cont Subst/Possession  
Marijuana

## Circumstances

VIPR VIPR EVIDENCE STORAGE - CDAPD

SIF Self Initiated Felony

**Responding Officers:**

**Unit :**

Z.JOHNS

K90

A.CALIA

K92

C.HUTCHISON

K61

**Responsible Officer:** Z.JOHNS

**Agency:** CDA

**Received By:** J.NIXON

**Last Radio Log:** \*\*:\*\*:\*\* \*\*/\*\*/\*\*

<b>How Received:</b> O Officer Report	<b>Clearance:</b> 1 ARREST REPORT TAKEN
<b>When Reported:</b> 22:39:38 05/22/16	<b>Disposition:</b> CAA <b>Date:</b> 05/22/16
<b>Judicial Status:</b>	<b>Occurred between:</b> 22:37:30 05/22/16
<b>Misc Entry:</b>	<b>and:</b> 22:37:30 05/22/16

<b>Modus Operandi:</b>	<b>Description :</b>	<b>Method :</b>
D	DRUGS/LIQUOR	D34
LT	LOCATION TYPE	LT18
		PARKING/GARAGE

### Involvements

Date	Type	Description	Relationship
05/23/16	Name	PIEPER, TYSON MICHAEL	OFFENDER
05/23/16	Name	KENDALL, JEREMIAH ROBERT	MENTIONED
05/22/16	Name	CDAPD,	Complainant
05/23/16	Vehicle	SIL 2000 MERC COUGAR MT	VEHCILE
05/22/16	Cad Call	22:39:38 05/22/16 SUSPICIOUS	Initiating Call
05/23/16	Property	Drug METHAMPHETAMINE 0	EVIDENCE
05/23/16	Property	Drug MARIJUANA CANDY 0	EVIDENCE
05/23/16	Property	Drug MARIJUANA 0	EVIDENCE
05/23/16	Property	Drug MARIJUANA CANDY 0	EVIDENCE
05/23/16	Property	Drug PSILOCYBIN MUSHROOMS 0	EVIDENCE
05/23/16	Property	KEY RING 0	EVIDENCE
05/23/16	Property	CELL PHONE MULTIPLES 0	EVIDENCE
05/23/16	Property	Drug MORPHINE SULFATE 0	EVIDENCE
05/23/16	Property	Drug OXYCODONE 0	EVIDENCE
05/23/16	Property	Drug OXYCODE & ACETAMINOPHEN 0	EVIDENCE
05/23/16	Property	Drug MORPHINE SULFATE 0	EVIDENCE
05/23/16	Property	Drug HYDROCODONE & ACETAMINOPHEN 0	EVIDENCE
05/23/16	Property	GRN Gun WALTHER P22 0	EVIDENCE
05/23/16	Property	Drug METHAMPHETAMINE 0	EVIDENCE
05/23/16	Property	Ammunition .22 CALIBER 0	EVIDENCE

**Narrative**

OFFICER: Z. Johns K90

SUSPECT(S) or DESCRIPTION(S):

{M or F, criminal code, charges per suspect and related citation numbers}

OFFENDER: Tyson Pieper 6/27/1973

OFFENSE: F Possession of a Controlled Substance (Meth) I.C. 37/2732c1

F Possession of a Controlled Substance (Hydrocodone) I.C. 37-2732c1

F Possession of a Controlled Substance (Morphine) I.C. 37-2732c1

F Possession of Marijuana More Than 3 ounces I.C. 37-2732E

☐ WEAPON INVOLVED (describe):☐ DOMESTIC VIOLENCE RELATED☐ MEDICAL ☐ TRANSPORTATION ☐ SHELTER ☐ PAMPHLET OFFERED☐ INJURIES (describe):☐ MEDICAL ATTENTION INVOLVED:☐ ON SCENE ☐ TRANSPORTED ☐ SELF-SOUGHT ☐ MEDICAL RELEASE OBTAINED

CASE SUMMARY: I contacted Tyson Pieper in a vehicle on a consensual contact at Cherry Hill Park. A jar of marijuana was sitting in plain view in the back seat. A search of the car was conducted and Methamphetamine, Morphine, Oxycodone, Hydrocone, Psilocybin Mushrooms and Marijuana were located inside. Pieper was arrested and booked for being in possession of these controlled substances.

NARRATIVE: I was driving through Cherry Hill Park and noticed a silver Mercury Cougar with a Montana license plate of 358766B, parked towards the Northwest side of the parking lot. There were two people inside the car. I parked my patrol car in a manner which did not block the vehicle in. My patrol car was angled off to the side and the Mercury could easily back out of the stall it was in. My emergency lights were not activated and my vehicle spot light was off.

I approached the drivers door and asked the driver, later identified as Tyson Pieper, if I could talk to him. Pieper agreed to talk to me. Ofc. Wiedebush approached the passenger side of the vehicle. Ofc. Wiedebush informed me there was a jar of Marijuana in plain view of the vehicle. I asked Pieper to step out of the vehicle. Pieper complied and was placed in handcuffs. The handcuffs were checked for tightness and double locked. I searched Pieper and located a small gold colored container in his left front pocket. I opened the container and noticed a white crystal like substance which appeared to be Methamphetamine. Ofc. Wiedebush had the passenger, later identified as Jeremiah Kendall, exit the vehicle and he was also placed in handcuffs.

Ofc. Wiedebush and I searched the vehicle. During the search I located the following controlled substances:

- \* 4 grams of Methamphetamine in the drivers door.
- \* A Tylenol pill bottle containing different types of Morphine, Oxycodone and Hydrocodone pills.

Also located in the vehicle were several cell phones, a .22 caliber handgun and a police scanner.

Due to the amount of controlled substances in the vehicle, Detective Taylor arrived to assist.

Pieper was transported to the Kootenai County Jail and released to the detention deputies. I booked Pieper for the following charges:

- \*Possession of a Controlled Substance, I.C. 37-2732c1 for being in possession of Methamphetamine.

- \*Possession of a Controlled Substance, I.C. 37-2732c1 for being in possession of Hydrocodone.

- \*Possession of a Controlled Substance, I.C. 37-2732c1 for being in possession of Morphine.

- \*Possession of Marijuana more than 3 ounces, I.C. 37-2732E for being in possession of Marijuana.

I returned to the Police Department, I weighed the Methamphetamine, Marijuana and Marijuana candy. The approximate weight of the Methamphetamine was 4 grams. I conducted a presumptive test of the substance by using a NIK kit. The test showed a positive reaction to the Methamphetamine. The substance will be sent to the Idaho Crime Lab for further testing.

The approximate weight of the Marijuana Candy was 10.9 ounces. I conducted a presumptive test of the substance by using a NIK kit. The test showed a positive reaction to the Marijuana Candy. A 4 gram piece of the Marijuana Candy will be sent to the Idaho Crime Lab for further testing.

The approximate weight of the Marijuana was 2 ounces. The Marijuana was packaged and sent to evidence.

Also seized were 1.6 ounces of Psilocybin Mushrooms. They were packaged and sent to evidence.

The following pills were seized, 2 Mophine Sulfate pills, 44 Oxycodone pills, 15 Oxycodone & Acetaminophen pills, 6 Morphine pills and 27 Hydrocodon and Acetaminophen pills. All the pills were packaged and sent to evidence.

A .22 Caliber Walther handgun and magazine were seized from the vehicle. 10 .22 caliber bullets were seized. A key ring containing 35 keys and 9 different types of cell phones were seized. All of these items were packaged and sent to evidence.

Schaffer's Towing towed the Mercury Cougar.

See Ofc. Wiedebush's report for further details.

Ofc. Z. Johns K90

CASE EVIDENCE:

<input checked="" type="checkbox"/> BODY CAM	<input type="checkbox"/> IN-CAR VIDEO	<input checked="" type="checkbox"/> PHOTOS	<input type="checkbox"/> AUDIO
<input checked="" type="checkbox"/> UPLOADED TO VIPER		<input type="checkbox"/> UPLOAD TO VIPER LATER	



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Responsible LEO:

---

Approved by:

---

Date

## Supplement

\*\*\*SUPPLEMENTAL REPORT\*\*\*

\*\*\*DETECTIVE ASSIGNED\*\*\*NONE

On 05/22/2016 I was with Ofc. Johns in a two man training car. During our patrols, Ofc. Johns made consensual contact with a vehicle in the Cherry Hill parking lot. The vehicle was a silver Mercury Cougar displaying Montana license 358766B. The vehicle was occupied by two adult males. Ofc. Johns parked in a fashion as to not block the vehicle in, allowing room for the vehicle to leave if the driver so chose. Ofc. Johns did not activate his emergency lights.

Ofc. Johns approached the drivers side of the vehicle while I approached the passenger side. While standing at the side of the vehicle, I could clearly see a large mason jar partially full of a substance that appeared to be marijuana.

I am very familiar with the appearance of marijuana through my training and experience as a police officer. For 11 years of my career, I have handled a drug detection dog. During that time, my agency possessed a license through the Drug Enforcement Administration to possess controlled substances such as marijuana. During that time, I personally handled marijuana and other controlled substances nearly on a weekly basis.

Due to my observations, I asked the occupants to exit the vehicle. Both males were placed into handcuffs and advised that they were being detained. The male seated in the passenger seat verbally identified himself as Jeremiah Kendall. His identity was later verified by viewing his drivers license return with a photograph attached.

The driver, who was later identified as Tyson Pieper, told me that he had a medical marijuana card. I advised him that such card does him no good in Idaho.

Ofc. Johns and I began searching the vehicle. During the search, I located the following controlled substances:

- \* Glass pipe commonly used to smoke marijuana in glove box
- \* Small amount of suspected methamphetamine in backpack in rear seat
- \* Several ounces of marijuana candy in trunk
- \* Several packages of suspected psilocybin mushrooms in trunk

Other items of interest located in the vehicle were as follows:

- \* Walther .22 caliber handgun in backback (Loaded and chambered)
- \* Police scanner in front seat
- \* Numerous cell phones throughout vehicle and trunk
- \* Numerous plastic baggies consistent with drug packaging
- \* Digital scales

Due to the amount of controlled substances located in the vehicle, contact was made with North Idaho Violent Crimes Task Force Detectives. Detective Taylor arrived to assist.

At the conclusion of the investigation, Peiper was placed under arrest by Ofc. Johns.

See Ofc. Johns report for further details.

Ofc. J. Wiedebush, K84

## Vehicles

**Vehicle Number:** 16-04777**License Plate:** 358766B**State:** MT**Vehicle Year:** 2000**Make:** MERC Mercury**Color:** SIL /**Vehicle Type:** PCAR Passenger Car**License Type:** PC Regular Passenger Automobile**Expires:** 02/28/17**VIN:** [REDACTED]**Model:** COUGAR**Doors:** 2**Value:** \$0.00**Owner:****Last:** FRANSEN**First:** NEEKA**Mid:** ROCHELLE**DOB:** [REDACTED]**Dr Lic:** [REDACTED]**Address:** 3573 HIGHWAY 200 #4**Race:** W**Sex:** F**Phone:** ()-**City:** TROUT CREEK, MT 59874**Agency:** CDA COEUR D'ALENE POLICE DEPT**Date Recov/Rcvd:** \*\*/\*\*/\*\***Officer:****Area:****UCR Status:****Wrecker Service:****Local Status:****Storage Location:****Status Date:** \*\*/\*\*/\*\***Release Date:** \*\*/\*\*/\*\***Comments:**

**Property****Property Number:** 16-07152**Item:** Drug**Owner Applied Nmbr:****Brand:** METHAMPHETAMINE**Model:****Year:** 0**Quantity:** 4**Meas:** GM**Serial Nmbr:****Total Value:** \$0.00**Color:****Owner:** PIEPER TYSON MICHAEL 597387**Agency:** CDA COEUR D'ALENE POLICE DEPT**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Z.JOHNS**UCR:****UCR Status:****Local Status:** EIS**Storage Location:****Crime Lab Number:****Status Date:** \*\*/\*\*/\*\***Date Released:** \*\*/\*\*/\*\***Date Recov/Rcvd:** 05/22/16**Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** \*\*.\*\*\*.\*\*\* \*\*/\*\*/\*\***Reason:****Comments:****Property Number:** 16-07153**Item:** Drug**Owner Applied Nmbr:****Brand:** MARIJUANA**Model:** CANDY**Year:** 0**Quantity:** 4**Meas:** GM**Serial Nmbr:****Total Value:** \$0.00**Color:****Owner:** PIEPER TYSON MICHAEL 597387**Agency:** CDA COEUR D'ALENE POLICE DEPT**Tag Number:****Accum Amt Recov:** \$0.00**Officer:** Z.JOHNS**UCR:****UCR Status:****Local Status:** EIS**Storage Location:****Crime Lab Number:****Status Date:** \*\*/\*\*/\*\***Date Released:** \*\*/\*\*/\*\***Date Recov/Rcvd:** 05/22/16**Released By:****Amt Recovered:** \$0.00**Released To:****Custody:** \*\*.\*\*\*.\*\*\* \*\*/\*\*/\*\***Reason:****Comments:****Property Number:** 16-07154**Item:** Drug**Owner Applied Nmbr:****Brand:** MARIJUANA**Model:**

<b>Year:</b> 0	<b>Quantity:</b> 2
<b>Meas:</b> OZ	<b>Serial Nbr:</b>
<b>Total Value:</b> \$0.00	<b>Color:</b>
<b>Owner:</b> PIEPER TYSON MICHAEL 597387	<b>Tag Number:</b>
<b>Agency:</b> CDA COEUR D'ALENE POLICE DEPT	<b>Officer:</b> Z.JOHNS
<b>Accum Amt Recov:</b> \$0.00	<b>UCR Status:</b>
<b>UCR:</b>	<b>Storage Location:</b>
<b>Local Status:</b> EIS	<b>Status Date:</b> **/**/**
<b>Crime Lab Number:</b>	<b>Date Recov/Rcvd:</b> 05/22/16
<b>Date Released:</b> **/**/**	<b>Amt Recovered:</b> \$0.00
<b>Released By:</b>	<b>Custody:</b> **:*** **/**/**
<b>Released To:</b>	
<b>Reason:</b>	
<b>Comments:</b>	
<b>Property Number:</b> 16-07155	<b>Owner Applied Nbr:</b>
<b>Item:</b> Drug	
<b>Brand:</b> MARIJUANA	<b>Model:</b> CANDY
<b>Year:</b> 0	<b>Quantity:</b> 10.9
<b>Meas:</b> OZ	<b>Serial Nbr:</b>
<b>Total Value:</b> \$0.00	<b>Color:</b>
<b>Owner:</b> PIEPER TYSON MICHAEL 597387	<b>Tag Number:</b>
<b>Agency:</b> CDA COEUR D'ALENE POLICE DEPT	<b>Officer:</b> Z.JOHNS
<b>Accum Amt Recov:</b> \$0.00	<b>UCR Status:</b>
<b>UCR:</b>	<b>Storage Location:</b>
<b>Local Status:</b> EIS	<b>Status Date:</b> **/**/**
<b>Crime Lab Number:</b>	<b>Date Recov/Rcvd:</b> 05/22/16
<b>Date Released:</b> **/**/**	<b>Amt Recovered:</b> \$0.00
<b>Released By:</b>	<b>Custody:</b> **:*** **/**/**
<b>Released To:</b>	
<b>Reason:</b>	
<b>Comments:</b>	
<b>Property Number:</b> 16-07156	<b>Owner Applied Nbr:</b>
<b>Item:</b> Drug	
<b>Brand:</b> PSILOCYBIN	<b>Model:</b> MUSHROOMS
<b>Year:</b> 0	<b>Quantity:</b> 1.6
<b>Meas:</b> OZ	<b>Serial Nbr:</b>
<b>Total Value:</b> \$0.00	<b>Color:</b>
<b>Owner:</b> PIEPER TYSON MICHAEL 597387	<b>Tag Number:</b>
<b>Agency:</b> CDA COEUR D'ALENE POLICE DEPT	<b>Officer:</b> Z.JOHNS
<b>Accum Amt Recov:</b> \$0.00	

UCR:  
Local Status: EIS  
Crime Lab Number:  
Date Released: \*\*/\*\*/\*\*  
Released By:  
Released To:  
Reason:  
Comments:  
Property Number: 16-07157  
Item: KEY RING

UCR Status:  
Storage Location:  
Status Date: \*\*/\*\*/\*\*  
Date Recov/Rcvd: 05/22/16  
Amt Recovered: \$0.00  
Custody: \*\*:\*\*\*:\*\* \*\*/\*\*/\*\*  
  
Owner Applied Nmbr:

Brand:  
Year: 0  
Meas: XX  
Total Value: \$0.00  
Owner: PIEPER TYSON MICHAEL 597387  
Agency: CDA COEUR D'ALENE POLICE DEPT  
Accum Amt Recov: \$0.00  
UCR:  
Local Status: EIS  
Crime Lab Number:  
Date Released: \*\*/\*\*/\*\*  
Released By:  
Released To:  
Reason:  
Comments: 35 KEYS ON RING  
Property Number: 16-07158  
Item: CELL PHONE

Model:  
Quantity: 1  
Serial Nmbr:  
Color:  
  
Tag Number:  
Officer: Z.JOHNS  
UCR Status:  
Storage Location:  
Status Date: \*\*/\*\*/\*\*  
Date Recov/Rcvd: 05/22/16  
Amt Recovered: \$0.00  
Custody: \*\*:\*\*\*:\*\* \*\*/\*\*/\*\*  
  
Owner Applied Nmbr:

Brand: MULTIPLES  
Year: 0  
Meas:  
Total Value: \$0.00  
Owner: PIEPER TYSON MICHAEL 597387  
Agency: CDA COEUR D'ALENE POLICE DEPT  
Accum Amt Recov: \$0.00  
UCR:  
Local Status: EIS  
Crime Lab Number:  
Date Released: \*\*/\*\*/\*\*  
Released By:  
Released To:

Model:  
Quantity:  
Serial Nmbr:  
Color:  
  
Tag Number:  
Officer: Z.JOHNS  
UCR Status:  
Storage Location:  
Status Date: \*\*/\*\*/\*\*  
Date Recov/Rcvd: 05/22/16  
Amt Recovered: \$0.00  
Custody: \*\*:\*\*\*:\*\* \*\*/\*\*/\*\*

**Reason:**  
**Comments:** SAMSUNG BLACK FLIP PHONE NOKIA TOUCH SCREEN PHONE BLUE FUEL MOBILE  
MOTOROLA TOUCH SCREEN PHONE HTC TOUCH SCREEN PHONE LG TOUCH  
SCREEN PHONE IPOD TOUCH SCREEN LG PHONE SAMSUNG FLIP PHONE

**Property Number:** 16-07159  
**Item:** Drug  
**Owner Applied Nmbr:**

**Brand:** MORPHINE  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**

**Model:** SULFATE  
**Quantity:** 2  
**Serial Nmbr:**  
**Color:**  
**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*.\*.\*.\* \*\*/\*\*/\*\*

**Property Number:** 16-07160  
**Item:** Drug  
**Owner Applied Nmbr:**

**Brand:** OXYCODONE  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**

**Model:**  
**Quantity:** 44  
**Serial Nmbr:**  
**Color:**  
**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*.\*.\*.\* \*\*/\*\*/\*\*

**Property Number:** 16-07161



**Item:** Drug  
**Brand:** OXYCODE &  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**  
**Property Number:** 16-07162

**Owner Applied Nbr:**  
**Model:** ACETAMINOPHEN  
**Quantity:** 15  
**Serial Nbr:**  
**Color:**  
**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*.\*.\*.\* \*\*/\*\*/\*\*

**Item:** Drug  
**Brand:** MORPHINE  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**  
**Property Number:** 16-07163

**Owner Applied Nbr:**  
**Model:** SULFATE  
**Quantity:** 6  
**Serial Nbr:**  
**Color:**  
**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*.\*.\*.\* \*\*/\*\*/\*\*

**Item:** Drug  
**Brand:** HYDROCODONE &  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00

**Owner Applied Nbr:**  
**Model:** ACETAMINOPHEN  
**Quantity:** 27  
**Serial Nbr:**  
**Color:**

**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**  
**Property Number:** 16-07164  
**Item:** Gun

**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*:\*.\*\*:\*\* \*\*/\*\*/\*\*

**Owner Applied Nmbr:**

**Brand:** WALTHER  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**  
**Date Released:** \*\*/\*\*/\*\*  
**Released By:**  
**Released To:**  
**Reason:**  
**Comments:**  
**Property Number:** 16-07165  
**Item:** Drug

**Model:** P22  
**Quantity:** 1  
**Serial Nmbr:** Z082248  
**Color:** GRN

**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*  
**Date Recov/Rcvd:** 05/22/16  
**Amt Recovered:** \$0.00  
**Custody:** \*\*:\*.\*\*:\*\* \*\*/\*\*/\*\*

**Owner Applied Nmbr:**

**Brand:** METHAMPHETAMINE  
**Year:** 0  
**Meas:** DU  
**Total Value:** \$0.00  
**Owner:** PIEPER TYSON MICHAEL 597387  
**Agency:** CDA COEUR D'ALENE POLICE DEPT  
**Accum Amt Recov:** \$0.00  
**UCR:**  
**Local Status:** EIS  
**Crime Lab Number:**

**Model:**  
**Quantity:** 1  
**Serial Nmbr:**  
**Color:**

**Tag Number:**  
**Officer:** Z.JOHNS  
**UCR Status:**  
**Storage Location:**  
**Status Date:** \*\*/\*\*/\*\*

---

<b>Date Released:</b> **/**/**	<b>Date Recov/Rcvd:</b> 05/22/16
<b>Released By:</b>	<b>Amt Recovered:</b> \$0.00
<b>Released To:</b>	<b>Custody:</b> **.**.** **/**/**
<b>Reason:</b>	
<b>Comments:</b> TRACE AMOUNT IN SMALL YELLOW CONTAINER	
<b>Property Number:</b> 16-07166	
<b>Item:</b> Ammunition	<b>Owner Applied Nmbr:</b>
<b>Brand:</b> .22 CALIBER	<b>Model:</b>
<b>Year:</b> 0	<b>Quantity:</b> 10
<b>Meas:</b> DU	<b>Serial Nmbr:</b>
<b>Total Value:</b> \$0.00	<b>Color:</b>
<b>Owner:</b> PIEPER TYSON MICHAEL 597387	<b>Tag Number:</b>
<b>Agency:</b> CDA COEUR D'ALENE POLICE DEPT	<b>Officer:</b> Z.JOHNS
<b>Accum Amt Recov:</b> \$0.00	<b>UCR Status:</b>
<b>UCR:</b>	<b>Storage Location:</b>
<b>Local Status:</b> EIS	<b>Status Date:</b> **/**/**
<b>Crime Lab Number:</b>	<b>Date Recov/Rcvd:</b> 05/22/16
<b>Date Released:</b> **/**/**	<b>Amt Recovered:</b> \$0.00
<b>Released By:</b>	<b>Custody:</b> **.**.** **/**/**
<b>Released To:</b>	
<b>Reason:</b>	
<b>Comments:</b>	

**Name Involvements:****Complainant :** 9301**Last:** CDAPD

[REDACTED] \*\*/\*\*/\*\*

**Race:**                      **Sex:****First:****Dr Lic:****Phone:** (208)769-2320**Mid:****Address:** 3818 N SCHREIBER WAY**City:** COEUR D'ALENE, ID 83815**MENTIONED :**597388**Last:** KENDALL

[REDACTED] 10/27/80

**Race:** W                      **Sex:** M**First:** JEREMIAH**Dr Lic:** 1006319804127**Phone:** (406)293-1099**Mid:** ROBERT**Address:** 443 LIBBY CREEK RD**City:** LIBBY, MT 59923**OFFENDER :** 597387**Last:** PIEPER

[REDACTED] 06/27/73

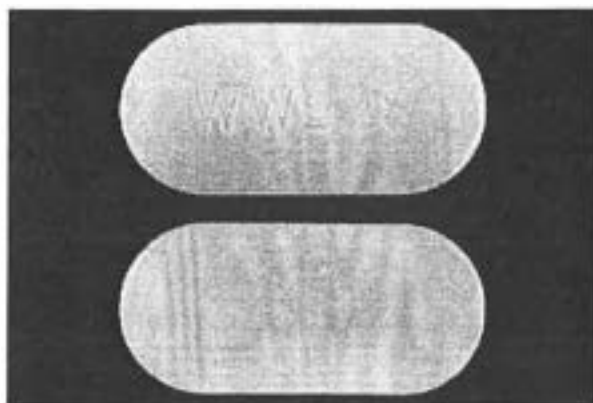
**Race:** W                      **Sex:** M**First:** TYSON**Dr Lic:** 0602319734127**Phone:** (406)334-3774**Mid:** MICHAEL**Address:** 4201 HWY 200 #9**City:** THOMPSON, MT 59873



## WW928 (Ciprofloxacin hydrochloride 500 mg)

Pill imprint WW928 has been identified as **Ciprofloxacin hydrochloride 500 mg**.

Ciprofloxacin is used in the treatment of urinary tract infection; bacterial infection; epididymitis, sexually transmitted; sinusitis; bladder infection (and **more**), and belongs to the drug class quinolones. Risk cannot be ruled out during pregnancy. Ciprofloxacin 500 mg is not a controlled substance under the Controlled Substance Act (CSA).



### Ciprofloxacin hydrochloride

**Imprint:**

WW928

**Strength:**

500 mg

**Color:**

White

**Shape:**

Capsule-shape

**Availability:**

Prescription only

**Drug Class:**

Quinolones

**Pregnancy Category:**

C - Risk cannot be ruled out

**CSA Schedule:**

Not a controlled drug

**Manufacturer:**

West-Ward Pharmaceutical Corporation

**National Drug Code (NDC):**

00143-9928

**Disclaimer:** Every effort has been made to ensure that the information provided is accurate, up-to-date, and complete, but no guarantee is made to that effect. If you have questions about the drugs you are taking, check with your doctor, nurse or pharmacist.

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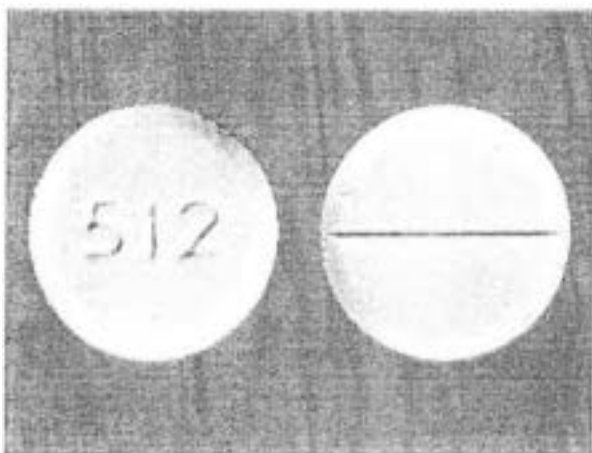


## 512 (Acetaminophen and Oxycodone 325 mg / 5 mg)

Pill imprint 512 has been identified as **Acetaminophen and oxycodone hydrochloride 325 mg / 5 mg**.

Acetaminophen/oxycodone is used in the treatment of chronic pain; pain and belongs to the drug class narcotic analgesic combinations. Risk cannot be ruled out during pregnancy.

Acetaminophen/oxycodone 325 mg / 5 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).



### Acetaminophen and oxycodone hydrochloride

**Imprint:**

512

**Strength:**

325 mg / 5 mg

**Color:**

White

**Size:**

12.00 mm

**Shape:**

Round

**Availability:**

Prescription only

**Drug Class:**

Narcotic analgesic combinations

**Pregnancy Category:**

C - Risk cannot be ruled out

**CSA Schedule:**

2 - High potential for abuse

**Manufacturer:**

Mallinckrodt Pharmaceuticals

**National Drug Code (NDC):**

00406-0512

**Inactive Ingredients:**

crospovidone  
microcrystalline cellulose  
povidone  
corn starch  
silicon dioxide  
stearic acid



**Disclaimer:** Every effort has been made to ensure that the information provided is accurate, up-to-date, and complete, but no guarantee is made to that effect. If you have questions about the drugs you are taking, check with your doctor, nurse or pharmacist.

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## N P 12 (Oxycodone hydrochloride 10 mg)

Pill imprint N P 12 has been identified as **Oxycodone hydrochloride 10 mg**.

Oxycodone is used in the treatment of chronic pain; pain and belongs to the drug class narcotic analgesics. There is no proven risk in humans during pregnancy. Oxycodone 10 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).

### Oxycodone hydrochloride

**Imprint:**

N P 12

**Strength:**

10 mg

**Color:**

Pink

**Shape:**

Round

**Availability:**

Prescription only

**Drug Class:**

Narcotic analgesics

**Pregnancy Category:**

B - No proven risk in humans

**CSA Schedule:**

2 - High potential for abuse

**Manufacturer:**

Zydus Pharmaceuticals

**National Drug Code (NDC):**

68382-0794



**Inactive Ingredients:**  
**magnesium stearate**  
**microcrystalline cellulose**  
**silicon dioxide**  
**stearic acid**  
**D&C Red No. 27**  
**D&C Red No. 30**  
**aluminum hydroxide**

**Disclaimer:** Every effort has been made to ensure that the information provided is accurate, up-to-date, and complete, but no guarantee is made to that effect. If you have questions about the drugs you are taking, check with your doctor, nurse or pharmacist.

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**Access Blocked - Content Alert**

The URL: <http://tpc.googlesyndication.com/safeframe/1-0-2/html/container.html> w blocked

## M365 (Acetaminophen and Hydrocodone 325 mg / 5 mg)

Pill imprint M365 has been identified as **Acetaminophen and hydrocodone bitartrate 325 mg / 5 mg**.

Acetaminophen/hydrocodone is used in the treatment of back pain; pain; rheumatoid arthritis; cough and belongs to the drug class narcotic analgesic combinations. Risk cannot be ruled out during pregnancy. Acetaminophen/hydrocodone 325 mg / 5 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).

**Acetaminophen and hydrocodone bitartrate****Imprint:**

M365

**Strength:**

325 mg / 5 mg

**Color:**

White

**Size:**

15.00 mm

**Shape:**

Capsule-shape

**Availability:**

Prescription only

**Drug Class:**

Narcotic analgesic combinations

**Pregnancy Category:**

C - Risk cannot be ruled out

**CSA Schedule:**

2 - High potential for abuse



**Manufacturer:**  
**Mallinckrodt Pharmaceuticals**

**National Drug Code (NDC):**  
00406-0365

**Inactive Ingredients:**  
**crospovidone**  
**magnesium stearate**  
**microcrystalline cellulose**  
**povidone**  
**corn starch**  
**silicon dioxide**  
**stearic acid**



**Other Manufacturers / Repackagers:**

NDC Code	Manufacturer / Repackager
52959-0737	H.J. Harkins Company, Inc (repackager)
63874-1092	Altura Pharmaceuticals Inc (repackager)
18837-0067	Innoviant Pharmacy Inc (repackager)
68071-0296	Nucare Pharmaceuticals Inc (repackager)

Note: Inactive ingredients may vary.



**Disclaimer:** Every effort has been made to ensure that the information provided is accurate, up-to-date, and complete, but no guarantee is made to that effect. If you have questions about the drugs you are taking, check with your doctor, nurse or pharmacist.

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**Access Blocked - Content Alert**

The URL: <http://tpc.googlesyndication.com/safeframe/1-0-2/html/container.html> w blocked

## M MS 60 (Morphine sulfate extended release 60 mg)

Pill imprint M MS 60 has been identified as **Morphine sulfate extended release 60 mg**.

Morphine is used in the treatment of chronic pain; pain and belongs to the drug class narcotic analgesics. Risk cannot be ruled out during pregnancy. Morphine 60 mg is classified as a **Schedule 2 controlled substance** under the Controlled Substance Act (CSA).

**Morphine sulfate extended release****Imprint:**

M MS 60

**Strength:**

60 mg

**Color:**

Peach

**Shape:**

Round

**Availability:**

Prescription only

**Drug Class:**

Narcotic analgesics

**Pregnancy Category:**

C - Risk cannot be ruled out

**CSA Schedule:**

2 - High potential for abuse

**Manufacturer:**

Mylan Pharmaceuticals Inc.

**National Drug Code (NDC):**

00378-2660

**Inactive Ingredients:**

**silicon dioxide**

**hypromelloses**

**lactose monohydrate**

**magnesium stearate**

**polyethylene glycol**

**polyvinyl alcohol**

**magnesium silicate**

**titanium dioxide**

**FD&C Yellow No. 6**

**Disclaimer:** Every effort has been made to ensure that the information provided is accurate, up-to-date, and complete, but no guarantee is made to that effect. If you have questions about the drugs you are taking, check with your doctor, nurse or pharmacist.

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# Coeur d' Alene Police Impound Report



Report#: 16C1514D

Citation#: \_\_\_\_\_

Parking Ticket#: \_\_\_\_\_

District: 83

Date: 5/23/16

Time: 01:05

Location: Cherry Hill Park

Abandoned ☒ Arrest ☒ Hazard ☐ Evidence ☐

Private Property ☐ Recovered Stolen ☐ Accident ☐

Describe if Hazard or Private Property (not abandoned) \_\_\_\_\_

Year: 2000

Make: Mercury

Model: Cougar

Color: Silver

VIN#:

1 2 W C T 6 0 3 9 Y 5 6 4 7 0 6 5

Plate#: 358766B

State: Montana

Odometer: 166132

New Damage: Yes ☐ No ☒

If Yes, Describe: \_\_\_\_\_

Inventory: Backpacks, Clothing, Bass System, CD's, Blankets, E-cigarettes

Registered Owner Name: Neeka Rochelle Fransen

Address: 3573 Hwy 200 Trout Creek MT 59874

Towing Firm: ☒ Schaffer's Towing

625 W. Dalton Ave.

Coeur d' Alene, ID 83815

☒ Daily Storage Rate: \$ 35.00

☐ Other: \_\_\_\_\_

Vehicle Value: \$ 4000.00

Police Hold: Yes ☐ No ☒

Additional Instructions: \_\_\_\_\_

Officer: A. Calia

K# 92

Tow Company Custody Receipt: I received the property and equipment on the time and date noted.

[Signature]  
Tow Company Representative

5-23-16  
Date

PD25 (9/13)

ORDER

The above named defendant having been charged with the offense(s) of

*Four Counts of Possession of a Controlled Substance*

, and the Court having examined the affidavit and police report, the Court finds probable cause, based on substantial evidence, for believing that said offense has been committed and that the said Defendant committed it.

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: 13

2016 MAY 23 AM 11: 02

DEPUTY CLERK DISTRICT COURT

*[Signature]*  
DEPUTY

0216-9592

IT IS THEREFORE ORDERED that a **Criminal Complaint** be issued for the appearance for the above named Defendant.

ENTERED this 23rd day of May, 2016.

*[Signature]*  
MAGISTRATE



ORIGINAL

BARRY MCHUGH  
Kootenai County Prosecuting Attorney  
501 N. Government Way/P.O. Box 9000  
Coeur d'Alene, ID 83816-9000  
Telephone Number: (208) 446-1800  
Fax Number: (208) 446-2168

STATE OF IDAHO  
COUNTY OF KOOTENAI } SS  
FILED:

2016 MAY 23 AM 11:32

CLERK DISTRICT COURT

DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

Plaintiff,

vs.

TYSON MICHAEL PIEPER

DOB [REDACTED]

SSN: [REDACTED]

Defendant.

Case No. CR-F16- 9592

**CRIMINAL COMPLAINT**

Agency Case: 16C15140

Craig V. Buhl, appeared personally before me, and being first  
duly sworn on oath, that the above named defendant did commit the crime(s) of: **FOUR**  
**COUNTS OF POSSESSION OF A CONTROLLED SUBSTANCE** Felonies, Idaho Code  
§37-2732(c)(1), committed as follows:

**COUNT I**

That the defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May,  
2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a  
controlled substance, to-wit: methamphetamine, a Schedule II controlled substance;

Mitchell

COUNT II

That the defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: hydrocodone, a Schedule II controlled substance;

COUNT III

That the defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: oxycodone, a Schedule II controlled substance;

COUNT IV

That the defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: morphine, a Schedule II controlled substance, all of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the people of the State of Idaho. Said complainant therefore prays for proceedings according to law.

DATED this 23<sup>rd</sup> day of May, 20 16.

  
COMPLAINANT

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of May, 20 16.

  
MAGISTRATE

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160523 First Appearance Judge Combo Clerk April Legard Def Rights		
<b>Date</b>	5/23/2016	<b>Location</b>	1K-COURTROOM6
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
02:45:24 PM	Judge Combo	Calls Case Defendant Present In Custody Via Video PA Present - Mr Brooks	
02:45:35 PM	Def	Understands Rights	
02:45:47 PM	J	Felony Poss Con Sub x4 Reviews Charges/Penalties	
02:46:03 PM	Def	Understand Charges/Penalties	
02:46:18 PM	J	Set PH w/in 14 days	
02:46:28 PM	Def	Will Apply for PD	
02:46:42 PM	PA	Recommends 50k Bond Reviews Defendant History	
02:47:26 PM	Def	Nothing Regarding Bond	
02:47:32 PM	J	50k Bond Set Reviews Bond Conditions	
02:48:04 PM	End		

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO Plaintiff v. <u>Pieper, Tyson</u> Defendant	CASE NO. CR- <u>16-9592</u> <b>ORDER SETTING BAIL or RELEASE ON OWN RECOGNIZANCE and CONDITIONS</b>
--	--

The above case having come before the Court on the below date and the Court having considered the factors in I.C.R. 46, now therefore,

**IT IS HEREBY ORDERED** that bail be set in the amount of \$ 50,000  
and the following are established as the conditions of release:

**THE DEFENDANT SHALL:**

- ☒ Commit no new criminal offenses greater than an infraction (a finding of probable cause on a subsequent offense is sufficient to revoke bail);
- ☒ Sign waiver of extradition and file with the Court;
- ☒ Make all court appearances timely;
- ☒ **Do NOT** consume alcohol or controlled substances;
- ☒ Promptly notify the Court and defense counsel of any change of address;
- ☒ Maintain regular contact with defense counsel;
- ☒ **Do NOT** drive, operate or be in physical control of a motor vehicle without a valid license and insurance;
- ☐ Obtain a Substance Abuse/Batterer's Evaluation from an approved evaluator by: \_\_\_\_\_
- ☐ Submit to: ☐ EtG ☐ Drug ☐ Both EtG & Drug urinalysis testing \_\_\_\_\_ times monthly through:  
[ ] Avertest (address/phone below) [ ] Absolute (address/phone below)  
[ ] Other \_\_\_\_\_ Results to be provided to the  
Prosecuting Attorney's office, Public Defender/Defense Attorney \_\_\_\_\_, ☐ Court
- ☐ Other: \_\_\_\_\_

**Defendant has acknowledged these conditions in open court, and is advised that a violation of any term may result in the defendant being returned to jail.**

Copies sent 5/23/16 To: \_\_\_\_\_ Date: 5/23/16  
☐ Prosecutor [ ] in court [ ] interoffice  
☐ Defense Counsel [ ] in court [ ] interoffice  
☒ Defendant [ ] in court  
☐ Jail FAX 446-1407  
☐ Avertest FAX: (208) 416-2539, 500 N Government Way, Suite 100, CD'A, ID, Ph: (208) 416-2539  
☐ Avertest Emailed: coeuraleneid@avertest.com  
☐ Absolute FAX: (208) 758-0401, 5433 N Government Way, Suite B, CD'A, ID, Ph: (208) 758-0051  
☐ Probation Department \_\_\_\_\_  
☐ Other \_\_\_\_\_

Tyson Michael Pieper

44818

47

MUST BE COMPLETED  
TO BE CONSIDERED

Filed 5-27-16 AT 2:13pm  
CLERK OF THE DISTRICT COURT  
BY [Signature] DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

APPLICATION FOR: Tyson Michael Pieper

☐ DEFENDANT ☐ JUVENILE ☐ CHILD ☐ PARENT

DOB 6-27-73

CASE NO. CR 16-9592

BY \_\_\_\_\_  
PARENT or GUARDIAN OF MINOR

DOB \_\_\_\_\_

FINANCIAL STATEMENT AND ORDER

**NOTE:** If this application is being made on behalf of a minor, please answer the following questions as they apply to his/her parents or legal guardian. Include information for you and your spouse.

I, the above named defendant (or the parent(s) on behalf of a minor), being first duly sworn on oath, depose and say in support of my request for court appointed counsel:

My current mailing address is: PO Box 1542 Notxon MA. 59853  
Street or P.O. Box City State Zip Code

My current telephone number or message phone is: 406-897-4011

Crimes Charged: Possession

I request the Court appoint counsel at county expense; and I agree to reimburse the county for the cost of said defense, in the sum and upon the terms as the Court may order.

BELOW IS A TRUE AND CORRECT STATEMENT OF MY FINANCIAL CONDITION:

1. EMPLOYMENT:

A. Employed: yes X no

B. Spouse Employed: yes no

C. If not employed, or self-employed, last date of employment N/A

D. My employer is: \_\_\_\_\_

Address: \_\_\_\_\_

2. HOUSEHOLD INCOME MONTHLY (Include income of spouse):

Wages before deductions \$ 0

Less Deductions \$ 0

Net Monthly Wages \$ 0

Other income: (Specify: Child Support, S.S., V.S., A.D.C.,  
Food Stamps, Etc.)

SSI \$ 900.00

3. HOUSEHOLD EXPENSES MONTHLY:

Rent or Mortgage Payment \$ 250

Utilities \$ 100

Clothing \$ 30

Transportation \$ 4

School \$ 4

Food \$ 30.00

Child Care \$ 200.00

Recreation \$ 0

Medical \$ 0

Insurance \$ 5

Other (Specify) \$ \_\_\_\_\_

3. HOUSEHOLD EXPENSES MONTHLY: (cont.)

DEBTS: Creditor \_\_\_\_\_ Total \$ \_\_\_\_\_ \$ \_\_\_\_\_ per mo  
Creditor \_\_\_\_\_ Total \$ \_\_\_\_\_ \$ \_\_\_\_\_ per mo  
Creditor \_\_\_\_\_ Total \$ \_\_\_\_\_ \$ \_\_\_\_\_ per mo

4. ASSETS:

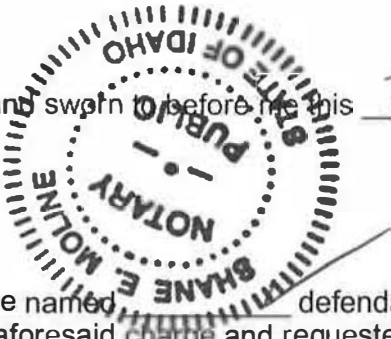
A. I (we) have cash on hand or in banks \$ 2  
B. I (we) own personal property valued at \$ 5  
C. I (we) own vehicle(s) valued at \$ 2  
D. I (we) own real property valued at \$ 2  
E. I (we) own stocks, bonds, securities, or interest therein \$ 2

5. THE FOLLOWING ALSO AFFECTS MY FINANCIAL CONDITION (Specify): \_\_\_\_\_

6. DEPENDENTS: 1 self \_\_\_\_\_ spouse \_\_\_\_\_ 1 children \_\_\_\_\_ other (specify) girlfriend  
(number)

Tyson Pieper  
APPLICANT

Subscribed and sworn to before me this 26 day of \_\_\_\_\_, 2016.



[Signature]  
NOTARY PUBLIC/CLERK/JUDGE

The above named \_\_\_\_\_ defendant \_\_\_\_\_ parent \_\_\_\_\_ guardian appeared before the court on the aforesaid charge and requested the aid of counsel. The court having considered the foregoing, and having personally examined the applicant; ORDERS DENIES the appointment of the service of counsel.

THE APPLICANT MAY BE ORDERED TO PAY REIMBURSEMENT FOR THE COST OF APPOINTED COUNSEL AT THE CONCLUSION OF THE CASE.

ENTERED this 27<sup>th</sup> day of May, 2016.

[Signature] #330  
JUDGE

Custody Status: \_\_\_\_\_ In \_\_\_\_\_ Out

Bond \$ \_\_\_\_\_

Copies to:

☒ Prosecuting Attorney \_\_\_\_\_  
☒ Public Defender \_\_\_\_\_

5-27-16 [Signature]  
Date Deputy Clerk

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160602 Preliminary Hearing Status Call Judge Stow Clerk Barbara Watkins <i>Barbara Watkins</i>		
<b>Date</b>	6/2/2016	<b>Location</b>	1K-COURTROOM12
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
08:37:31 AM	J	DF incustody with Mr Chapman, Ms McClinton for state	
08:37:43 AM	PD	Leave on	
08:37:47 AM	PA	2 witnesses	
08:37:54 AM	J	Left on	
08:38:02 AM	end		

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STATE OF IDAHO } SS  
 COUNTY OF KOOTENAI }  
 FILED: 29

2016 JUN -3 AM 11:30

CLERK DISTRICT COURT  
*Chilley* pb  
 DEPUTY

MICHAEL G. PALMER  
 PALMER WALSH & TAYLOR PLLC  
 923 N. 3rd Street  
 Coeur d'Alene, ID 83814  
 Telephone: (208) 665-5778  
 Facsimile: (208) 676-1683  
 ISBA# 5488

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	MOTION TO SUPPRESS
vs.	)	
	)	
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the above-named Defendant, by and through his attorney of record,  
 MICHAEL G. PALMER of the law firm of PALMER WALSH & TAYLOR PLLC, and  
 pursuant to Idaho Criminal Rule(s) 5.1(b) and/or 12(c), hereby moves the Court for an Order  
 suppressing and excluding the following:

1. All alleged contraband.



2. Any non-contraband materials (i.e. currency, cell phones, alleged stolen property, etc.) seized or otherwise obtained by the police which may be intended for admission in evidence to support the prosecution's claims herein.
3. All electronic media and/or digital data or information obtained or relied upon in the course of the police investigation and/or which may be intended for admission in evidence.
4. The observations (including but not limited to visual, aural, olfactory, and/or tactile) made by the police officers of Defendant before, during and after the detention and/or arrest of Defendant.
5. Defendant's statements to or in the presence of the police officers following the seizure of his person and/or property as such were involuntary, coerced, and/or given in violation of *Miranda v. Arizona*, 384 U.S. 436; 86 S.Ct. 1602; 16 L.Ed2d 694 (1966).

The aforementioned evidence must be suppressed because the stop was made without rational suspicion, the detention was improperly and unreasonably extended, the warrantless search and seizure and/or arrest by the police officers was made without probable cause and therefore in violation of the Article I, §§ 1, 13, and 17 of the Constitution of the State of Idaho and the 4th, 5th, and 6th Amendments to the Constitution of the United States.

Defendant is entitled to have the admissibility of evidence decided as a matter of law by a judge out of the hearing of the jury. *Jackson v. Denno*, 378 U.S. 368 (1964).

Defendant reserves the right to amend or supplement this motion after full receipt of the prosecution's discovery responses and/or upon discovery of additional information through the defense investigation in the facts and circumstances of the matter.

Counsel requests that this motion be set for hearing in order to present oral argument, evidence and/or testimony in support thereof. Requested time is one (1) hour.

DATED this 3 day of June, 2016.

PALMER WALSH & TAYLOR PLLC

By Michael G. Palmer  
Michael G. Palmer  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of June, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL
- ☐ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☒ TELECOPY (FAX) to: (208) 446-2168

Amber D. Morris  
Amber D. Morris

STATE OF IDAHO } SS  
COUNTY OF KOOTENAI }  
FILED: } 8

2016 JUN -3 AM 11:32

CLERK DISTRICT COURT

*[Signature]*  
DEPUTY *p/B*

MICHAEL G. PALMER  
PALMER WALSH & TAYLOR PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

Plaintiff,

vs.

TYSON M. PIEPER,

Defendant.

)  
) Case No. CRF 16-9592  
)  
) **OBJECTION TO CONSIDERATION**  
) **OF EVIDENCE SUBJECT TO**  
) **SUPPRESSION AND NOTICE OF**  
) **INTENT TO PRODUCE EVIDENCE**  
) **AND CROSS EXAMINE STATE**  
) **WITNESSES**  
)

COMES NOW, the above-named Defendant, by and through his attorney of record, MICHAEL G. PALMER of the law firm of PALMER WALSH & TAYLOR PLLC, and hereby objects to the consideration by the magistrate in determining probable cause of any alleged facts that the evidence presented at the preliminary hearing shows would ultimately require suppression.

This objection is made pursuant to Idaho Criminal Rule 5.1(b), and pursuant to Defendant's right to due process of law as guaranteed by the 4th, 5th, 6th and 14th Amendments

to the United States Constitution and Article I, §§ 13 and 17 of the Constitution of the State of Idaho.

Defendant hereby provides notice to the State of his intent and/or reservation of right to produce evidence and cross-examine State witnesses in support of this objection at any preliminary hearing held in this matter.

DATED this 3 day of June, 2016.

PALMER WALSH & TAYLOR PLLC

By Michael G. Palmer  
Michael G. Palmer  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of June, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

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- ☒ TELECOPY (FAX) to: (208) 446-2168

Amber D. Morris  
Amber D. Morris

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160603 Preliminary Hearing Judge Peterson Clerk Symone Sasser		
<b>Date</b>	6/3/2016	<b>Location</b>	1K-COURTROOM7
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
01:34:28 PM	Judge Peterson	Calls case, defendant present in custody with Mr. Rieber. Casey Simmons for the state.	
01:34:57 PM	DA	Motion to continue, just got this case. We are not prepared to proceed today, state doesn't have lab report yet. Def is concerned about bond amount but not prepared to argue.	
01:35:40 PM	PA	No objection with waiver of speedy prelim right.	
01:35:55 PM	Def	I want to continue the preliminary hearing. Understands speedy prelim rights. Willing to waive speedy prelim. Waives right to speedy prelim	
01:36:27 PM	Judge Peterson	Accepts waiver of speedy prelim, reset in ordinary course.	
01:36:33 PM	End		

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[www.fortherecord.com](http://www.fortherecord.com)

<b>Description</b>	CR 2016-9592 Piper, Tyson 20160614 Preliminary Hearing Status Conference Judge Peterson Clerk Cassie Poole		
<b>Date</b>	6/14/2016	<b>Location</b>	1K-COURTROOM12
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
<u>08:37:53 AM</u>	Judge Peterson	Defendant present in custody with Mr. Palmer, Mr. Verharen for the state	
<u>08:38:00 AM</u>	Palmer, Michael	Request continuance. Received video and still shots of traffic stops I have 2 1/2 hrs in car audio really need to have that to be prepared and several stills. Might be asking for exclusion of evidence. It will take about 3 hrs to go thru this.	
<u>08:39:32 AM</u>	Verharen, Art	No objection	
<u>08:39:41 AM</u>	Piper, Tyson	Would like continuance	
<u>08:39:50 AM</u>	Judge Peterson	Find good cause Reset in ordinary course.	
<u>08:39:56 AM</u>	End		

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<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160628 Preliminary Hearing Status Judge Van Valin Clerk Breanne Riley <i>Breanne Riley</i>		
<b>Date</b>	6/28/2016	<b>Location</b>	1K-COURTROOM12
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
08:39:53 AM	Judge Van Valin	Calls Case. Defendant present, in custody PA Present, Mr Verharen DA Present, Mr Palmer	
08:40:01 AM	DA	Matter to be left set	
08:40:09 AM	PA	2 witnesses	
08:40:26 AM	DA	No witnesses	
08:40:29 AM	Judge Van Valin	Matter is left set	
08:40:33 AM	End		

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59



	Wit 1	lot. We were not dispatched there or called there. Randomly there, saw the vehicle. I made no determination, I wasn't the one who decided to make the contact. We weren't made aware of to look for this vehicle, there wasn't anything that caught my attention.
<u>02:10:57 PM</u>		It was dark out. From our patrol vehicle, I could see there were people in the vehicle. When we entered the parking lot we passed the vehicle. I don't recall if they looked at us when we drove by.
<u>02:11:55 PM</u>		I don't recall seeing a particular person and recognizing someone that was drug related. When we passed, there wasn't anything that they did to act excited. Nothing they did seemed like they were arming themselves. There was no concern about these people. There was one other vehicle in the parking lot, we didn't investigate that vehicle.
<u>02:13:15 PM</u>		There wasn't anything criminal. Suspicious, it was a vehicle parked in a parking lot in the dark, simply it was there. The parking lot isn't closed at any hour. It was public property. The parking lot wasn't closed at that time.
<u>02:14:04 PM</u>		Made consensual contact -- Walked up to the vehicle, we didn't activate lights or tell them they couldn't leave, just walked up. Both of us walked up to the vehicle, each on one sign, asked them to exit the vehicle. After I observed to be marijuana in the vehicle that I asked for identification. I ask people if I can check their identifications. Didn't see anything to be a threat when we walked up.
<u>02:15:42 PM</u>		Didn't see anything to be a threat when we walked up. Didn't seem like they were trying to hide anything. I believe when we walked up they were both on their cell phones. I didn't recognize either of them. I was using flashlights to see into the vehicle because of the darkness.
<u>02:16:57 PM</u>		When I saw the jar in the back of the car that I said something and Mr. Pieper said he had a medical card and that was when he was put in handcuffs. He didn't get aggressive or make a remark, neither did the passenger. Due to the suspected criminal activity made him needing to be detained. There were two people, even if they weren't doing anything threatening, they were nervous. There were two of them and one of me and a brand new officer. We were in a dark parking lot. The other officer was still in Phase 1, first month as an officer. I had to watch him.
<u>02:19:02 PM</u>		There was nothing specific at that time that made me concern his safety.
<u>02:19:13 PM</u>		The marijuana was located in the back seat of the vehicle, just left of the center I would say, laying on its side. I was able to immediately retrieve it. After the marijuana was retrieved, I didn't

61

		eatibles and mushrooms.
<u>02:31:52 PM</u>	J	Those weren't the counts
<u>02:31:57 PM</u>	PA	Those weren't charged
<u>02:32:04 PM</u>	DA	Continues CX
<u>02:32:07 PM</u>	Wit 1	When we pulled up, I don't believe the car was running
<u>02:32:17 PM</u>	PA	ReDX
<u>02:32:21 PM</u>	Wit 1	Saw the jar of the marijuana in the back seat, it was a large mason jar. Larger than a quart jar. It was in plain sight. The search was done on the vehicle. Based on training and experience, when we seize contraband, we don't stop searching. It is common for more to be present. Was watching other officer for training. Guns were not drawn when we approached the vehicle. Patrol car was approx 50 feet away. During initial contact, neither the def or passenger were order out of the vehicle. Normal speaking voice during initial contact.
<u>02:34:33 PM</u>	DA	ReCX
<u>02:34:34 PM</u>	Wit 1	Neither the def or passenger tried to talk to us when we pulled up. The car didn't look broken down or needing help. Consensual contact was us walking up.
<u>02:35:13 PM</u>	J	Excuses witness
<u>02:35:26 PM</u>	PA	Calls second witness
<u>02:35:41 PM</u>	Clerk	Oath
<u>02:35:58 PM</u>	Wit 2	Zachary Johns
<u>02:36:04 PM</u>	PA	DX
<u>02:36:06 PM</u>	Wit 2	Employed with CDA City as patrol officer, 6 months. In the process of being POST certified, about half way through. Working on 5/22/16 around 10pm. I was on routine patrol with my training officer. We were at Cherry Hill Park in Kootenai County ID.
<u>02:36:56 PM</u>		Familiar with defendant, made contact with def at park. The was a vehicle parked in the corner. There was a blue light in the vehicle. We parked. Approached the vehicle and made contact with the defendant. Parked and didn't block the def's vehicle with patrol car.
<u>02:37:45 PM</u>		White Board - Accurate depiction of vehicles.
<u>02:37:58 PM</u>		Emergency lights were not activated. Approached the vehicle, casual contact, see what was going on, not normal for someone to be in the park that late. No guns were drawn.
<u>02:38:31 PM</u>		I approached them, identified as CDA Police. Asked if we could talk to them, few seconds later other officer said their was marijuana in the back seat.

<u>02:38:56 PM</u>		Asked for consent to speak with them, they did, it was casual conversation was the tone.
<u>02:39:19 PM</u>		Based on what other officer saw, we asked them to step out of the vehicle, I placed the def in handcuffs. There was a hard metal object in his left front objection. I removed it. I identified it as a gold hard metal object, it had a lid on it, there was white residue on that. I suspected the residue to be meth.
<u>02:40:36 PM</u>		Based on what we found, we searched the vehicle. I found a small plastic bag in door, meth test came back positive. There was a pill bottle with numerous pills in it, there were several different types. It was obvious to me that they were not the same pills. I don't recall if there was a name on the pill bottle.
<u>02:41:37 PM</u>		Due to the numerous amounts of evidence, we put them in bags. I submitted these items into evidence. Knows Chain of Custody. Explains Chain of Custody. Explains process.
<u>02:43:16 PM</u>		I followed chain of custody. Chain of custody was never broken. Submitted items for testing to the lab.
<u>02:43:46 PM</u>	PA	PI Ex 1 & 2 - hands to witness
<u>02:43:53 PM</u>	Wit 2	Recognizes documents. They are the results to the stuff I submitted in evidence. The white crystalline substance and one gram of that was evidence. Piece of marijuana candy was submitted. PI Ex 1.
<u>02:44:45 PM</u>		Refreshes recollection. Consistant with what I submitted into evidence
<u>02:45:34 PM</u>		I didn't submit PI Ex 2, but it's consistant with submitted to evidence.
<u>02:45:45 PM</u>	PA	Move to Admit PI Ex 1 & 2
<u>02:45:53 PM</u>	DA	No objection for prelim
<u>02:46:03 PM</u>	J	Admits PI 1 & 2
<u>02:46:09 PM</u>		Reviews. Appears PI 1 isn't what's charged. I guess they kind of put them together.
<u>02:46:40 PM</u>	PA	State not pursuing PI 1, second entry.
<u>02:47:30 PM</u>	DA	CX
<u>02:47:42 PM</u>	Wit 2	Wasn't looking for this vehicle. Wasn't told about it, recognized it. I couldn't tell if it was broken down, just the time of the day, it was off in the corner. It was parked in a parking space in the corner of the parking lot. Didn't have tools around it. It was just parked there. It was open to public use. It wasn't closed. Was not called to this scene. No citizens mentioned anything.
<u>02:49:01 PM</u>		When we drove in, I couldn't see the persons. It didn't look like

64

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STATE OF IDAHO

vs.

TYSON MICHAEL PIEPER

DOB: [REDACTED]

FILED 6/30/16 AT 3:08 p.m.  
CLERK OF THE DISTRICT COURT

BY [Signature] DEPUTY

FELONY CASE # CR-2016-0009592

ORDER

[ ] HOLDING  
[ ] DISMISSING CHARGE(S)

CHARGE(S): COUNT 1 - CONTROLLED SUBSTANCE-POSSESSION OF - 137-2732(C)(1) F  
COUNT 2 - CONTROLLED SUBSTANCE-POSSESSION OF - 137-2732(C)(1) F  
COUNT 3 - CONTROLLED SUBSTANCE-POSSESSION OF - 137-2732(C)(1) F  
COUNT 4 - CONTROLLED SUBSTANCE-POSSESSION OF - 137-2732(C)(1) F

Amended to: \_\_\_\_\_

[ ] Dismissed - insufficient evidence to hold defendant to answer charge(s). [ ] Bond exonerated. [ ] NCO Lifted.

(Specify dismissed charge(s) on above line, if other charges still pending)

[ ] Preliminary hearing having been waived by the defendant on the above listed charge(s),

[X] Preliminary hearing having been held in the above entitled matter, and it appearing to me that the offense(s) set forth above has / have been committed, and there is sufficient cause to believe the named defendant is guilty thereof,

**IT IS HEREBY ORDERED** that the defendant is held to answer the above charge(s) and is bound over to District Court. The Prosecuting Attorney shall file an Information that includes all charges under this case number.

**IT IS FURTHER ORDERED** that the defendant be admitted to bail in the amount of \$ \_\_\_\_\_ and is committed to the custody of the Kootenai County Sheriff pending the giving of such bail.

[ ] Defendant was advised of the charges and potential penalties and of defendant's rights, and having waived his/her constitutional rights to: a) trial by jury; b) remain silent; and c) confront witnesses, thereafter pled guilty to the charge(s) contained in the Information filed by the Prosecuting Attorney.

**IT IS FURTHER ORDERED** that all pretrial motions in this case shall be filed not later than **42 days** after the date of this order unless ordered otherwise. All such pretrial motions in this matter shall be accompanied by a brief in support of the motion, and a notice of hearing for a date scheduled through the Court.

THIS CASE IS ASSIGNED TO JUDGE

John T. Mitchell

ENTERED this 30 day of June, 20 16.

Judge

Copies sent 6/30/16 as follows:

[X] Prosecutor 1C [X] Defense Attorney 1C [X] Defendant 1C [X] TCA Office at fax 446-1224 #348  
[X] Assigned District Judge: [ ] interoffice delivery [X] faxed #350 [X] Jail (if in custody at fax 446-1407) #349  
[ ] KCSO Records fax 446-1307 (re: NCO)

Deputy Clerk [Signature]

Order Holding Defendant/Dismissing Case



 **ORIGINAL**

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: SS

BARRY MCHUGH  
Kootenai County Prosecuting Attorney  
501 N. Government Way/P.O. Box 9000  
Coeur d'Alene, ID 83816-9000  
Telephone Number: (208) 446-1800  
Fax Number: (208) 446-2168

2016 JUL -6 AM 10: 29

  
CLERK DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

**STATE OF IDAHO,**  
Plaintiff,

vs.

**TYSON MICHAEL PIEPER,**  
DOB: 06/27/1973  
SSN: XXX-XX-5170  
Fingerprint #: 2800094733  
Defendant.

Case No. CR-F16-9592

**INFORMATION**

BARRY MCHUGH, Prosecuting Attorney in and for the County of Kootenai, State of Idaho, who prosecutes in its behalf, comes now into Court, and does accuse TYSON MICHAEL PIEPER with committing the crime(s) of: **FOUR COUNTS: POSSESSION OF A CONTROLLED SUBSTANCE**, Idaho Code §37-2732(c)(1), committed as follows:

COUNT I

That the Defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: Methamphetamine, a Schedule II controlled substance;



COUNT II

That the Defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: Hydrocodone, a Schedule II controlled substance;

COUNT III

That the Defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: Oxycodone, a Schedule II controlled substance; and

COUNT IV

That the Defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: Morphine, a Schedule II controlled substance, all of which is contrary to the form, force and effect of the statute in such case made and provided and against the peace and dignity of the people of the State of Idaho.

DATED this 30th day of June, 2016.

BARRY MCHUGH  
Kootenai County Prosecuting Attorney



Casey Becker Riedner Simmons  
Deputy Prosecuting Attorney

## CERTIFICATE OF MAILING

I hereby certify that on the 6th day of July, 2016, a true and correct copy of the foregoing was caused to be delivered as follows: ☐ mailed ☐ faxed ☐ hand delivered ☐ emailed ☒ JusticeWeb

Defense Counsel  
Michael Palmer



---

FPC # 2800094733  
CHARGE(S) 37-2732C1x3  
CASE NO. File-09592

37-2732E  
**NOTICE TO DEFENDANTS**  
Regarding your release from custody

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: SS

to: Pieper, Tyson, Defendant.

2016 JUL -8 AM 10:05

[ ] You were released on your own recognizance by Judge \_\_\_\_\_  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ at \_\_\_\_\_ M by

CLERK DISTRICT COURT  
[Signature]  
DEPUTY

[ ] telephone / fax [ ] Bailiff slip [ ] personal contact

☒ You have posted bail / cash in the amount of \$ 50,000 to secure your release.

[ ] You are bonding on DUI Second Offense or More, or Excessive DUI. Misdemeanor Criminal Rule 5(b) requires you to appear before a judge within 48 hours, excluding weekends and holidays. You are to appear at the Kootenai County Justice Building, 324 W. Garden Avenue, Coeur d'Alene, Idaho on \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ at 2:00 p.m.

(Jail - Set date for next business day)

☒ You or your attorney will be notified by the Court when to appear.

[ ] **Child Support/Juveniles (446-1160):** You must contact the Clerk of District Court at the Kootenai County Justice Building, 324 W. Garden Avenue, Coeur d'Alene, Idaho, **within 7 working days.**

[ ] **Felony 446-1170:** The court has instructed you to appear \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M. at the Kootenai County Justice Building (check with the clerk at the front counter for the proper courtroom)

[ ] **Misdemeanor 446-1170:** The court has instructed you to appear \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ M. at the Kootenai County Justice Building in Courtroom 11.

**Two of the conditions of your release on bail/your own recognizance are:**

- ☒ YOU ARE REQUIRED TO NOTIFY THE COURT AND YOUR ATTORNEY, if you have one, OF ANY CHANGE OF ADDRESS OR PHONE NUMBER THAT YOU HAVE WHILE YOUR CASE IS PENDING BEFORE THE COURT
- NOTIFY YOUR ATTORNEY OF THE COURT DATE ABOVE.

[ ] IF YOU ARE BONDING ON Domestic Assault or Battery - I.C.18-918, Violation of Domestic Violence Protection Order - I.C.39-6312 or Stalking - I.C.18-7905, and a No-Contact Order has been issued by the District Court, YOU SHALL HAVE NO CONTACT WITH THE PERSON ALLEGED TO HAVE BEEN ASSAULTED OR BATTERED PURSUANT TO THE TERMS OF THAT ORDER. IF A NO-CONTACT ORDER HAS BEEN ISSUED. A COPY OF THAT ORDER WILL BE DELIVERED TO YOU WITH THIS NOTICE.

☒ FAILURE TO APPEAR ON ANY APPEARANCE DATE OR FAILURE TO NOTIFY THE COURT REGARDING CHANGE OF ADDRESS OR PHONE NUMBER MAY CAUSE A WARRANT TO ISSUE FOR YOUR ARREST.

MY CURRENT MAILING ADDRESS IS: X PO Box 1592 10101 mt.

MY CURRENT PHYSICAL ADDRESS (if different from above): 59553

MY CURRENT PHONE NUMBER IS: X 488 847 4011 MESSAGE PHONE: \_\_\_\_\_

I have read, understand and received a copy of the above instructions. My signature is not an admission of guilt to any charge(s), but acknowledgment of the instructions contained above.

7-7-16  
DATE

[Signature]  
SIGNATURE OF DEFENDANT  
[Signature]  
DEPUTY SHERIFF

WITNESS

\*\*\*NOTE TO DEFENDANT: Provide a copy to defendant. Return this original to the Court. If the Defendant refuses to sign this, witness the same and make a written indication that the defendant refused to do so.

**WAIVER OF EXTRADITION AS CONDITION OF BAIL OR RELEASE**

Name: Pieper, Tyson Michael

Court Docket #: F16-09592

I, Tyson Michael Pieper, hereby knowingly, and voluntarily execute this Waiver of Extradition as a condition of my release from custody of the Kootenai County Sheriff's Office. I make the following statements under oath in support of this Waiver of Extradition.

1. ☒ My name is Tyson Michael Pieper, My DOB is [REDACTED] My SSN is [REDACTED]
2. ☒ I have been arrested for, or charged with, a criminal offense in the State of Idaho. The specific offense(s) that I have been charged with is/are as follows: 37-2732C1 x 3 and 37-2732E.
3. ☒ I understand that as a condition of release on the above charge(s) that I am agreeing to waive extradition to the State of Idaho for any purpose connected to the above-entitled case.
4. ☒ I understand that I am not required to execute this Waiver of Extradition.
5. ☒ I understand that by executing this Waiver of Extradition, I am agreeing to waive any and all rights that I may now, or hereafter, possess in this, or any other state or country to challenge the lawfulness or extradition back to the State of Idaho on the charge(s) listed above.
6. ☒ I understand that I normally would have the right to appear before a judge in another state in order to challenge my return to the State of Idaho; to an attorney to represent me in another state to challenge my return to the State of Idaho; to represent me at all stages of these proceedings, and that if I could not afford one, a court appointed attorney would be provided to act on my behalf at no expense to me.
7. ☒ I understand that I may have the right to require the issuance of a formal Governor's Warrant of Extradition to be submitted before I am transported back to Idaho.
8. ☒ I understand that I have the right to have the court set bail, test the legality of my arrest, and challenge the extradition process through an Application for a Writ of Habeas Corpus.
9. ☒ I understand each of the above listed rights and I agree to waive them. I do freely and voluntarily state that I am the identical person against whom the criminal proceedings are pending in the State of Idaho. Further, I hereby freely, voluntarily, and without requisition papers, warrant of rendition, or other forms of processes, having for their purpose my return, agree to return to the State of Idaho.
10. ☒ This agreement and waiver is made by me without any reference to my guilt or innocence and shall not be considered in any matter as prejudicing my case, and is not, in any sense, an admission of guilt.
11. ☒ I further wholly exonerate and hold blameless in this matter, the sheriff of Kootenai County, State of Idaho, and all persons acting under him, and agree to accompany to the State of Idaho, any peace officer or authorized agent who may be sent to take me to the State of Idaho.
12. ☒ I have signed this document freely and voluntarily, and without promise of reward, leniency, or immunity. No one has threatened me or any member of my family in order to get me to sign this document.
13. ☒ I have read the entire waiver form, and I understand every portion of it. I have freely and voluntarily waived such procedural rights.
14. ☒ I understand I have the right to appear before a judge in any state to be advised of my rights regarding the Waiver of Extradition, and that I freely and voluntarily waive such procedural rights.
15. ☒ I swear, upon oath and subject to the penalty of perjury, that the statements acknowledged by me in this Waiver of Extradition are true and correct.

This statement and waiver done at Kootenai County, Idaho, this 7 day of July, 2016

STATE OF IDAHO )  
 ) ss  
County of Kootenai )

Signature

On this 7 day of July in the year 2016, before me Rikki Hinchey, a notary public, in and for the State of Idaho, personally appeared Tyson Michael Pieper, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same. In witness whereof, I have hereunto set my hand and affixed my notarial seal the day and year in this certified first above written.

NOTARY PUBLIC

Residing at: KCPB

My commission expires: 4/28/17



**WAIVER OF EXTRADITION FOLLOWING ARREST  
AND AGREEMENT TO TRANSPORT**

CR 16-9592

2016 JUL -8 AM 10:01

I TYSON MICHAEL PIEPER, acknowledge that I have been advised by Judge VAN VALIN of the Magistrate Court of Kootenai County of the following:

1. I have been arrested pursuant to information from the State of MONTANA, that I have been charged with the felony offense of VIOL OF CONDITIONS OF RELEASE that state and that I am a Fugitive from Justice who is wanted by that state.
2. I have the right to consult with an attorney about my arrest and extradition. I may hire an attorney. If I cannot afford to hire an attorney, I can apply to the court and request the court appoint an attorney to represent me at no expense to me.
3. I have the right to appear in court on the Fugitive from Justice charge and to be advised by the court of my legal rights regarding my arrest, detention and the extradition process. I have the right to have the court set bail.
4. I have the right to test the legality of my arrest. If I desire, I can be taken before a judge who will fix a reasonable time to allow me to apply for a writ of habeas corpus.

I understand these rights, and agree to waive them. I do freely and voluntarily state that I am the identical person against whom criminal proceedings, charging me with the commission of a felony having been instituted in the State of MONTANA, I further hereby freely, voluntarily, and without requisition papers, warrant of rendition, or other forms of processes, having for their purpose my return to said County and state.

This agreement and waiver is made by me without any reference to my guilt or innocence and shall not be considered in any matter as prejudicing my case, and is not, in any sense, an admission of guilt. I further wholly exonerate and hold blameless in this matter the Sheriff of Kootenai County, State of Idaho, and all persons acting under him, and I agree to accompany to the State of MONTANA, any peace officer who may be sent to take me to the State for trial.

THIS STATEMENT AND WAIVER, done at the Kootenai County Sheriff's Department, Public Safety Bldg, This 2<sup>ND</sup> day of JUNE, 2016.

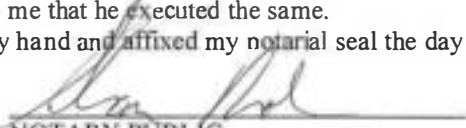
STATE OF IDAHO )  
 ) ss  
County of Kootenai )

  
Signature

On this 2<sup>ND</sup> day of JUNE, in the year 2016, before me Shane E. Moline, a notary public, in and for the State of Idaho, personally appeared TYSON M PIEPER, known or identified to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal the day and year in this certified first above written.



  
NOTARY PUBLIC  
Residing at: KLPB  
My commission expires: 02/02/22

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160727 Arraignment in District Court Judge Mitchell Court Reporter Julie Foland Clerk Tiffany Burton		
<b>Date</b>	7/27/2016	<b>Location</b>	1K-COURTROOM8 <i>Jeffery Burton</i>
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
09:01:48 AM	Judge Mitchell	Calls case; Def present w/ DA Mr. Palmer; PA Ms. Gardner	
09:02:06 AM	DA	No resolution.	
09:02:11 AM	Def	That is my true and correct name, DOB and SSN. I am not under the influence of drugs or alcohol. No mental health issues. I reached 12th grade. Waive reading of the information. Understands charges, penalties. I do not need any more time with my lawyer.	
09:04:50 AM		I plead not guilty to all four counts.	
09:05:00 AM	PA	2 day trial.	
09:05:05 AM	DA	Agree. There is a motion to suppress, would like to have transcript before I continue with the motion. Prefer to have a later date than August, prefer October.	
09:05:52 AM	PA	That would be fine.	
09:05:58 AM	J	Schedule for a 2 day Jury Trial on September 19, 2016 at 9 AM. PTC on September 15, 2016 at 2 PM.	
09:07:01 AM	DA	Also have a written plea to file with the court.	
09:07:17 AM	End		

Produced by FTR Gold™  
[www.fortherecord.com](http://www.fortherecord.com)

STATE OF IDAHO } SS  
COUNTY OF KOOTENAI  
FILED: 7-27-16  
AT 2:10 O'CLOCK PM  
CLERK, DISTRICT COURT  
*[Signature]*  
DEPUTY

MICHAEL G. PALMER  
PALMER WALSH & TAYLOR PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	<b>DEFENDANT'S WRITTEN PLEA</b>
vs.	)	
	)	
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
	)	

I, TYSON M. PIEPER, having been advised of my rights, do acknowledge the following:

1. I am represented by my lawyer, MICHAEL G. PALMER.
2. I am charged with having committed the following crimes:

COUNTS I-IV – POSSESSION OF A CONTROLLED SUBSTANCE, in violation of  
I.C. § 37-2732(c)(1), which is punishable by incarceration in the state penitentiary for a  
period not to exceed seven (7) years and/or a fine not to exceed Fifteen Thousand Dollars  
(\$15,000.00).

3. I am 43 years of age. I have 12 years of education. I do not have any trouble reading and understanding the English language.

4. I understand that I have the following rights, which I keep if I plead **“not guilty”**:

- a. I have a right to a trial before a jury of 12 persons; that the state must convince each of those 12 persons of my guilt beyond a reasonable doubt; that in order to prove its case, the state must call witnesses to testify, under oath, before me, before the jury and before my lawyer. My lawyer would have the right to question those witnesses or cross examine them.
- b. I would have the right to call witnesses of my choosing to testify concerning my guilt or innocence. If I do not have the money to bring those witnesses to court the state would pay the cost of bringing those witnesses to court.
- c. I have the absolute right to remain silent throughout my entire trial. I cannot be compelled to testify.

5. I understand that if I plead **“guilty”**, I will give up all of the rights received in Paragraph 4. That is:

- a. There will be no trial. There will be no witnesses concerning my guilt or innocence. I will waive my right to remain silent. In fact, I can be required to take the oath and testify about the matters to which I have pled guilty.
- b. If I pled guilty, I will give up any right to contest or object to anything that has happened in my case prior to the time I enter my guilty plea. For example, I will not be able to challenge the method or manner of my arrest, or of any searches of my person or property, or of any confession or statement I may have made.
- c. If I pled guilty, I will be considered to have admitted each of the facts alleged in the charge to which I pled guilty.

6. At the time I sign this plea, I am not under the influence of any drugs or alcohol that in any way interferes with my ability to understand what I am doing. I am not suffering any mental illness or disability that interferes with my ability to understand what I am doing.



7. I am not in custody. My telephone number is (406) 847-4011. My residence address is 214 Klakken Road, Noxon, MT 59853, and mailing address is P.O. Box 1505, Noxon, MT 59853.

8. I have discussed the charges against me and all of the matters set forth in this form with my lawyer.

9. I plead **NOT GUILTY** to all charges.


DATED this 27 day of July, 2016.

  
Tyson M. Pieper

**CERTIFICATE OF LAWYER**

I concur with the foregoing plea. If the plea is not guilty, I estimate a 2 day trial.

PALMER WALSH & TAYLOR PLLC

By   
Michael G. Palmer  
Attorney for Defendant

CERTIFICATE OF SERVICE

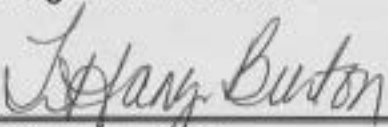
I HEREBY CERTIFY that on the 27 day of July, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL
- ☒ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☐ TELECOPY (FAX) to: (208) 446-2168



Amber D. Morris

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160727 Arraignment in District Court Judge Mitchell Court Reporter Julie Foland Clerk Tiffany Burton 		
<b>Date</b>	7/27/2016	<b>Location</b>	1K-COURTROOM8
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
09:01:48 AM	Judge Mitchell	Calls case; Def present w/ DA Mr. Palmer; PA Ms. Gardner	
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09:07:01 AM	DA	Also have a written plea to file with the court.	
09:07:17 AM	End		

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STATE OF IDAHO } SS  
COUNTY OF KOOTENAI }  
FILED: \_\_\_\_\_

2016 JUL 27 AM 11:54

CLERK DISTRICT COURT

SEP

**MICHAEL G. PALMER**  
**PALMER WALSH & TAYLOR PLLC**  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

**Attorney for Defendant**

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

**Plaintiff,**

**VS.**

**TYSON M. PIEPER,**

**Defendant.**

) ) ) ) ) ) ) ) ) )

**Case No. CRF 16-9592**

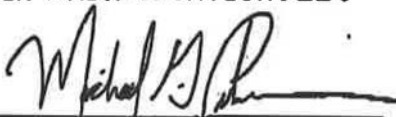
## MOTION FOR PREPARATION OF TRANSCRIPT

COMES NOW, Defendant. TYSON M. PIEPER, by and through his attorney, MICHAEL G. PALMER of the law firm of PALMER WALSH & TAYLOR PLLC, and hereby respectfully moves the Court for an Order directing the Clerk of the Court to prepare and complete the transcript of the Preliminary Hearing held in the above-entitled matter on the 30th day of June, 2016, before the Honorable Timothy L. Van Valin.

This motion is made for the reason and upon the grounds that the transcript of said hearing is necessary for defense counsel to prepare a defense on behalf of Defendant in the above-entitled matter.

DATED this 27 day of July, 2016.

PALMER WALSH & TAYLOR PLLC

By   
Michael G. Palmer  
Attorney for Defendant

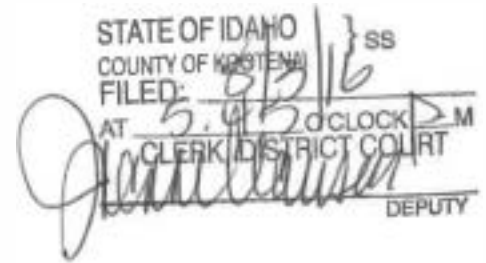
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 27 day of July, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL
- ☐ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☒ TELECOPY (FAX) to: (208) 446-2168

  
Amber D. Morris



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	<b>ORDER FOR PREPARATION OF</b>
vs.	)	<b>TRANSCRIPT</b>
	)	
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
	)	

THE COURT having before it the foregoing Motion and good cause appearing; NOW,  
THEREFORE,

IT IS HEREBY ORDERED that the Clerk of the Court shall prepare and complete the transcript of the Preliminary Hearing held in the above matter on the 30th day of June, 2016, before the Honorable Timothy L. Van Valin.

IT IS FURTHER ORDERED that the costs necessary for the preparation and completion of said transcript shall be paid by Defendant.

IT IS HEREBY FURTHER ORDERED that the transcript shall be completed and submitted to all parties to this action no later than the 3<sup>rd</sup> day of September, 2016.

DATED this 3<sup>rd</sup> day of August, 2016.

  
Hon. John T. Mitchell

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 3 day of August, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL  
☒ TELECOPY (FAX) to: (208) 446-2168

Michael G. Palmer  
Palmer Walsh & Taylor PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814

- ☐ U.S. MAIL  
☒ TELECOPY (FAX) to: (208) 676-1683

Transcriber  
Kootenai County Courthouse  
324 W. Garden Avenue  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

*Nicole Vigil*  
*email*

- ☐ INTER-OFFICE DELIVERY

*5:39 pm*  
*#2270*

JIM BRANNON  
CLERK OF THE DISTRICT COURT

By: *James Clausen*  
DEPUTY

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO  
COUNTY OF KOOTENAI  
2016 SEP -8 PM 2:55  
CLERK DISTRICT COURT  
DEPUTY

--oOo--

STATE OF IDAHO,  
Plaintiff,  
vs.  
TYSON M. PIEPER,  
Defendant.

CASE NO. CR-16-9592  
NOTICE OF LODGING  
Preliminary Hearing

TO: THE PARTIES ABOVE NAMED OR THEIR ATTORNEYS:  
YOU ARE HEREBY NOTIFIED that the transcript  
previously ordered on August 3, 2016, in the  
above-entitled matter, has been lodged with the Clerk of  
the District Court, Kootenai County, State of Idaho.  
You may secure your copy of the transcript from the  
Clerk of the District Court, Criminal Division.  
DATED this 8th day of September, 2016.

Jalene Muemacher  
Transcriber

Copies to: CASEY SIMMONS	MICHAEL G. PALMER
Prosecuting Attorney	Attorney at Law
Fax No. 208.446-1841	Fax No. 208.765.4636
#104	#106

Notice of Lodging Transcript



STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: 1-36

2016 SEP -8 PM 3: 51

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT CLERK DISTRICT COURT

STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	CASE NO. CR-2016-9592
Plaintiff,	)	
vs.	)	RECEIPT OF TRANSCRIPT
	)	
Tyson M. Pieper,	)	Preliminary Hearing
	)	
Defendant,	)	

On this 8 day of September, 2016, I picked up my copy/copies of the transcript that were prepared in the above entitled matter per the Order filed August 03, 2016.

Michael Palmer  
Michael Palmer, Defense Attorney

I hereby certify that I hand delivered the transcript(s) to the above signed.

JIM BRANNON  
CLERK OF THE DISTRICT

Jim Brannon  
Deputy Clerk

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED:

2016 SEP -9 AM 10: 01

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF IDAHO

STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

CLERK OF DISTRICT COURT

*[Signature]*  
DEPUTY

STATE OF IDAHO,	)	
	)	CASE NO. CR-2016-9592
Plaintiff,	)	
vs.	)	RECEIPT OF TRANSCRIPT
	)	
Tyson M. Pieper,	)	Preliminary Hearing
	)	
Defendant,	)	

On this 9 day of September, 2016, I picked up  
my copy/copies of the transcript that were prepared in the above  
entitled matter per the Order filed August 03, 2016.

*[Signature]*

Barry McHugh, Prosecuting Attorney  
Kootenai County

I hereby certify that I hand  
delivered the transcript(s) to  
the above signed.

JIM BRANNON  
CLERK OF THE DISTRICT

*[Signature]*  
Deputy Clerk

STATE OF IDAHO }  
COUNTY OF KOOTENAI } SS  
FILED:  
2016 SEP -9 AM 11:23  
CLERK DISTRICT COURT  
*[Signature]*  
DEPUTY

MICHAEL G. PALMER  
PALMER WALSH & TAYLOR PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	MOTION TO CONTINUE PRE-
vs.	)	TRIAL CONFERENCE AND JURY
	)	TRIAL
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the above-entitled Defendant, by and through his attorney of record, MICHAEL G. PALMER of the law firm of PALMER WALSH & TAYLOR PLLC, and hereby moves the Court to continue the Pre-Trial Conference scheduled for the 14th day of September, 2016, at the hour of 2:00 p.m., and the Jury Trial scheduled for the 19th day of September, 2016, at the hour of 9:00 a.m., to be rescheduled by the Clerk of Court.

This motion is made for the reasons and upon the grounds that the defense counsel filed a Motion for Preparation of Transcript, and the Court signed the Order for Preparation of

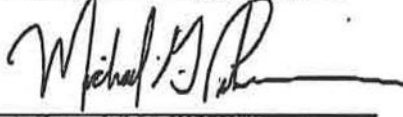
Transcript on August 3, 2016. The transcript was recently lodged on September 8, 2016. The transcript is necessary in order for counsel to prepare pre-trial motions; therefore, making it necessary to reschedule the Pre-Trial Conference and Jury Trial dates.

This motion is not intended to disturb the orderly dispatch of the business of this Court. In the event this motion is granted, Defendant has previously waived his right to a speedy trial.

Pursuant to communication on September 8, 2016 with Casey Becker Riedner Simmons, Deputy Prosecuting Attorney, the prosecution has "NO OBJECTION" to this motion.

DATED this 9 day of September, 2016.

PALMER WALSH & TAYLOR PLLC

By 

Michael G. Palmer  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 9 day of September, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL
- ☐ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☒ TELECOPY (FAX) to: (208) 446-2168



Amber D. Morris

John Clausen

**ORDER CONTINUING PRE-TRIAL CONFERENCE AND JURY TRIAL - 1**

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 13 day of September, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

☐ U.S. MAIL  
☒ TELECOPY (FAX) to: (208) 446-2168

Michael G. Palmer  
Palmer Walsh & Taylor PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814

☐ U.S. MAIL  
☒ TELECOPY (FAX) to: (208) 676-1683

#3341

JIM BRANNON  
CLERK OF THE DISTRICT COURT

By: Paul Lanson

DEPUTY

STATE OF IDAHO  
COUNTY OF KOOTENAI } SS  
FILED  
2016 OCT 20 AM 9:43

MICHAEL G. PALMER  
PALMER GEORGE & TAYLOR PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

CLERK DISTRICT COURT  
DEPUTY  
KW

Attorney for Defendant

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	MEMORANDUM IN SUPPORT OF
vs.	)	DEFENDANT'S MOTION TO
	)	SUPPRESS
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
	)	

COMES NOW, the above-entitled Defendant, by and through his attorney of record, MICHAEL G. PALMER of the law firm of PALMER GEORGE & TAYLOR PLLC, and provides the Court and counsel with his Memorandum in Support of his Motion to Suppress, set for hearing on November 2, 2016.

**FACTS**

On May 22, 2016 at about 10:30 p.m., Tyson M. Pieper (the driver) and another man (the passenger) were traveling by car when they stopped in Coeur d'Alene at Cherry Hill Park, an open public park open to all located very near an interstate exit.

While Pieper and the passenger were properly parked and either texting or talking on cell phones, Coeur d'Alene Officer Johns and Coeur d'Alene Officer Wiedebush, together in a patrol car, drove into the parking lot, passed the car, and called in its license plate (according to Officer Wiedebush's testimony at the Preliminary Hearing).

With no suspicion of any criminal wrongdoing, the officers planned to contact the people inside the car. Officer Wiedebush recalls that they make a lot of "contacts" in that parking lot. (PH Tr., p. 14, l. 12). And Officer Johns says that they come by there a couple times a night. (This is reflected on an audio recording of a conversation between Officer Johns and Officer Calia).

Evidence at the hearing is expected to show that Pieper's car was in a large lot with only one other car in the lot. The police vehicle passed by Pieper's car, pulled in behind it and parked with its headlights on in the next row for parked cars. The cars were separated by less than 50 feet. The windows of Pieper's car were tinted. The two (2) armed and uniformed police officers then approached Pieper's car, one on each side. Their intention was to ask for identification and investigate for signs of criminal activity. They had flashlights and used them to look through the window tinting into the car's interior almost immediately upon reaching the vehicle.

Officer Johns tells Pieper through a partially open window, "Can I talk with you guys?" and "You got any ID on you? Both of you?" Pieper responds affirmatively, then Officer Johns asks, "Just hanging out in the park today?" During Pieper's answer to that interrogatory, Officer Wiedebush uses his flashlight to look into the car and sees what he suspects to be a jar of marijuana on the back seat of the car.



At that point, according to the officers, Pieper is “officially” detained (that is, arrested, or at least placed in custody) for possession of marijuana. No *Miranda* rights are read to him while thereafter multiple questions are asked and answers given.

### LAW AND ARGUMENT

#### **A. Introduction.**

Basically, the police approached Pieper from two (2) directions at the same time, while he sat in the driver's position in a car parked in a public lot talking on a cell phone. Although he was engaged in a phone call, the police interrupted him, indicating to an objective person that the police were there on some kind of official business authorizing such an interruption. The officer then asked for identification from both Pieper and the passenger.

In no meaningful way can such activity be seen as a “consensual encounter.” Any reasonable person would have not felt free to terminate the encounter, or would be fearful of arrest for failing to obey the police commands.

Evidence that would justify a detention or arrest was not found until after the unlawful detention. All observations, evidence and statements are tainted by the initial illegality of the detention.

#### **B. Summary of Argument.**

Constitutional seizures require a warrant or they are presumed to be unreasonable. Once a defendant shows “standing” and a warrantless seizure, the State bears the burden of proving reasonableness. Mr. Pieper has shown both standing and a warrantless seizure.

When no warrant authorizes a detention or seizure, the State must prove that it was lawful and justified. In the area of Fourth Amendment law, the legal fiction called “consensual

encounter" can (when appropriate) justify contact between police and citizen when rational suspicion of criminal wrongdoing is lacking. However, the State cannot prove that this case involves a consensual encounter.

Under the facts in this case, the coordinated, pre-arranged, police-initiated contact of Pieper by two (2) armed officers was not consensual and the police actions placed him in detention without rational suspicion. After illegally seizing Pieper, the police viewed incriminating evidence that they would not have seen but for his illegal detention.

The evidence found and statements taken from Pieper all flow from the illegal detention. The tainted evince must be suppressed because the warrantless stop and detention by the officers was unlawful and without legal justification; therefore, in violation of the Fourth and Fourteenth Amendment of the U.S. Constitution and Article I, § 17 of the Idaho Constitution and the laws of the State of Idaho.

**C. The Federal and State Constitutions Protect Liberty; Idaho's More So.**

The Fourth Amendment to the United States Constitution and its counterpart, Article I, § 17 of the Idaho Constitution, guarantee the right of every citizen to be free from unreasonable searches and seizures.

However, Idaho provides additional guarantees beyond the federal constitution. Idaho citizens are shielded from governmental interference more so than under the federal system. Article I, § 1 recognizes our natural freedom and right to enjoy liberty. And those rights are not limited by the constitution as Article I, § 21 provides: "This enumeration of rights shall not be construed to impair or deny other rights retained by the people."

Idaho's Constitution protects against governmental interference and emphasizes the freedom from seizures enjoyed by Idaho's citizens. Article I, § 1, gives the foundational core of Idaho's relation to its people:

All men are by nature free and equal, and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety.

These provisions guaranteeing liberty and freedom with one's body and property are not in the federal constitution. In addition, Article I, § 17, provides:

The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures shall not be violated; and no warrant shall issue without probable cause shown by affidavit, particularly describing the place to be searched and the person or thing to be seized.

Although similar to the Fourth Amendment of the U.S. constitution, Idaho's protections are broader. This was pointed out in *State v. Fees*, 140 Idaho 81 at 88-89, 90 P.3d 306 at 313-314 (2004):

Although the wording of the two constitutional provisions is similar, this Court has at times construed the provisions of our Constitution to grant greater protection than that afforded under the United States Supreme Court's interpretation of the federal Constitution. For example, in *State v. Webb*, 130 Idaho 462, 943 P.2d 52 (1997), we concluded the United States Supreme Court's definition of curtilage for Fourth Amendment analysis did not adequately reflect the privacy interests of Idaho citizens under Article I, § 17, of the Idaho Constitution. In *State v. Henderson*, 114 Idaho 293, 756 P.2d 1057 (1988), we held that roadblocks established to apprehend drunk drivers violate Article I, § 17, of the Idaho Constitution, while in *Michigan Department of State Police v. Sitz*, 496 U.S. 444, 110 S.Ct. 2481, 110 L.Ed.2d 412 (1990), the Supreme Court held that such roadblocks do not violate the Fourth Amendment. In *State v. Thompson*, 114 Idaho 746, 760 P.2d 1162 (1988), we held that the installation of a pen register device by the government constitutes a search under our

Constitution, even though in *Smith v. Maryland*, 442 U.S. 735, 99 S.Ct. 2577, 61 L.Ed.2d 220 (1979), the Supreme Court had held that it did not constitute a search under the federal Constitution. In these cases, we provided greater protection to Idaho citizens based on the uniqueness of our state, our Constitution, and our long-standing jurisprudence. *State v. Donato*, 135 Idaho 469, 20 P.3d 5 (2001).

Long ago, in *State v. Arregui*, 44 Idaho 43, 254 P. 788 (1927), the Idaho Supreme Court ruled for the first time that evidence obtained in violation of Article 1, § 17 of the Idaho State Constitution must be suppressed. In ruling that such evidence is subject to suppression, Justice Taylor noted:

I can see no such expediency or necessity for the enforcement of any law as to justify violation of constitutional rights to accomplish it. The shock to the sensibilities of the average citizen when his government violates a constitutional right of another is far more evil in its effect than the escape of any criminal through the courts' observance of those rights.

*Arregui*, 44 Idaho at 51, 254 P. at 792. Thus began the long history of Idaho's independent exclusionary rule based on the Idaho State Constitution.

As the Idaho Supreme Court has noted during its proud history, "Idaho's Constitution stands on its own, and although we may look to the rulings of the federal courts on the United States constitution for guidance in interpreting our own state constitutional guarantees, we interpret a separate and in many respects independent constitution." *Hellar v. Cenarrusa*, 106 Idaho 586 at 590, 682 P.2d 539 at 543 (1984). Indeed, Idaho's State Constitutionally based exclusionary rule is just one of many ways in which Idaho truly has its own, independent constitution.

The case of *State v. Henderson*, 114 Idaho 293 at 298, 756 P.2d 1057 at 1062 (1988), provides a succinct declaration of freedoms enjoyed by Idaho citizens as it relates to being seized by the police:

*Perhaps the most important attribute of our way of life in Idaho is individual liberty. A citizen is free to stroll the streets, hike the mountains, and float the rivers of this state without interference from the government. That is, police treat you as a criminal only if your actions correspond. (Emphasis added.)*

If Pieper is "by nature free, and ha[s] certain inalienable rights," then being accosted by police requesting identification (with no rational suspicion of wrongdoing) violates the Idaho Constitution, even if the federal constitution is not offended.

**D. Burden of Proof.**

Mr. Pieper argues that in this case it is the State's burden to establish that this event was a consensual encounter, not Pieper's duty to establish a seizure. The pre-arranged act of two (2) armed officers approaching a legally parked car at 10:30 p.m. to interrupt the driver while using his phone and asking the driver for identification in no way can be seen as a consensual meeting between a citizen and the police. Such action is presumptively a seizure (detention).

When a search or seizure occurs without a warrant, the government bears the burden of showing that the warrantless action was reasonable or came within a recognized exception to the warrant requirement. *Coolidge v. New Hampshire*, 403 U.S. 443, 91 S.Ct. 2022, 29 L.Ed.2d 564 (1971); *State v. Yeates*, 112 Idaho 377, 732 P.2d 346 (App. 1987). *Brown v. Illinois*, 422 U.S. 590, 95 S.Ct. 2254, 45 L.Ed.2d 416 (1975). When a defendant challenges a warrantless search or seizure, the State must show the applicability of an exception to the warrant requirement. *State v. Nickerson*, 132 Idaho 406 at 410, 973 P.2d 758 at 762 (Cl.App. 1999). Evidence

obtained in violation of these constitutional protections must be suppressed in a criminal prosecution. *State v. Curl*, 125 Idaho 224 at 227, 869 P.2d 224 at 227 (1993).

There should be no difference here involving a consensual encounter. When a defendant shows standing and lack of a warrant, the State must justify or prove the reasonableness of the eventual seizure. It does not matter if the incident started with a consensual encounter, a *Terry* stop or an arrest – the State must justify the warrantless actions from initiation. See the more detailed argument below concerning a citizen never knowing if police investigations are supported by rational suspicion or are merely claimed “consensual” encounters.

Unfortunately, there are seemingly contradictory case law holdings regarding seizures and consensual encounters. Warrantless searches are deemed to be “per se unreasonable” and the burden is upon the State to demonstrate that the search was carried out pursuant to one of the exceptions to the warrant requirement. *State v. Bottelton*, 102 Idaho 90, 625 P.2d 1093 (1981). But for consensual encounters, suppression of evidence requires a defendant to prove that a seizure occurred. *State v. Page*, 140 Idaho 841, 843, 103 P.3d 454, 456 (2004); *State v. Fuentes*, 129 Idaho 830, 832, 933 P.2d 119, 121 (Ct.App. 1997). The State then bears the burden of proving that the seizure was nonetheless reasonable. *State v. Bishop*, 146 Idaho 804, 811, 203 P.3d 1203, 1210 (2009).

However, that should not be the standard in Idaho. Given the additional constitutional rights protected under the State constitution, and the possibility of prosecution for resisting or delaying an officer, the State should be the one to establish that an encounter was consensual.

Idaho Code (I.C.) § 18-705 makes it a crime to willfully resist, delay, or obstruct any public officer in the discharge or attempt to discharge any duty of his or her office. When police

have facts from which a rational suspicion of criminal activity arises, he may order that person detained to investigate the situation. *Terry v. Ohio*, 392 U.S. 1, 16, 88 S.Ct. 1868, 1877, 20 L.Ed.2d 889 (1968).

However, the person stopped does not know what justification the officer may or may not have. Leaving the scene of a *Terry* stop without permission after being lawfully stopped would be a crime. See *State v. Spangler*, 130 Idaho 944, 950 P.2d 1283 at 1285 (Ct.App. 1997):

Thus, under *Terry*, the deputy had the legal authority to fully detain Spangler for an investigatory stop. When Spangler ignored the deputy's requests to stop, *Manthei* instructs that the deputy could then legally enter the open garage to complete the *Terry* detention of Spangler. [Footnote 1:] We note that Spangler could also have been charged with obstructing a police officer under I.C. § 18-705.

Worse yet, even if the officer is mistaken and there is no rational suspicion to detain, any active resistance to the illegal detention also constitutes a crime:

We are of the opinion that the trend is, and should be, away from the traditional common law rule, and therefore we hold that if a person has reasonable ground to believe he is being arrested by a peace officer, it is his duty to refrain from using force or any weapon in resisting arrest regardless of *whether or not there is a legal basis for the arrest*. ... Regardless of whether the arrest is illegal under the circumstances of the occasion, we hold that an individual may not use force to resist an arrest by one he knows or has good reason to believe is an authorized peace officer in the performance of his duties. (Emphasis added.)

*State v. Richardson*, 95 Idaho 446, 511 P.2d 263 at 268 (1973).

Under such a conflicting constellation of interacting laws, constitutional principles and basic freedoms, a person in Idaho is never safe to terminate a consensual encounter. Thus, submission to police questioning and providing documents during a "consensual encounter" is not an example of social civility or voluntary action on the citizen's behalf. Interacting with the

government cannot be avoided with police-initiated contacts; failure to obey an officer's illegal request during an encounter is a crime if any resistant force is used. Without knowing if the police have facts sufficient for a *Terry* stop, any resistance to the police is fraught with danger.

Because Idaho law makes refusal to stop or obey lawful orders during an investigatory detention a crime, the State should have the burden of proving that a consensual encounter occurred, and not a detention or seizure.

Ultimately, a night-time tactically staged, two-person, two-direction approach to obtain identification and information is not a consensual encounter. Descending quickly upon an unaware citizen talking on a cell phone at 10:30 p.m. is not a consensual encounter.

**E. Test for Suppression in "Consensual Encounter" Cases.**

During a *Terry* stop, police may detain someone without a warrant when rational suspicion of criminal activity exists, but the *State* must establish rational suspicion when the seizure is challenged by the defense.

"The determination of whether an investigatory stop is reasonable requires a dual inquiry - whether the officer's action was justified *at its inception* and whether it was reasonably related in scope to the circumstances that justified the interference in the first place." *State v. Roe*, 140 Idaho 176 at 181, 90 P.3d 926, 931 (Ct. App. 2004) citing *State v. Parkinson*, 135 Idaho 357 at 361, 17 P.3d 301 at 305 (Ct. App. 2000). (Emphasis added.)

Consistent with the law relating to burdens of proof in detention cases, the test here should be similar. Once a uniformed officer contacts a person and asks about that person's identification or activities, a presumption of detention attaches and the State must justify the contact.



Or, the test could be: In police-initiated encounters a defendant must raise a factual issue whether the contact was a consensual encounter. Thereafter, the burden of proof switches to the State to prove the existence of a consensual encounter.

Or, like other Fourth Amendment cases: A defendant need only show a seizure and lack of a warrant to shift the burden to the State which must prove by a preponderance of the evidence that a consensual encounter was not a seizure. (This same standard can apply under the federal constitution. The arguments made above have apparently not been considered by the U.S. Supreme Court so its prior decisions are not controlling).

It matters little in this case what the exact test should be as the facts in this case show an unjustified seizure occurred before the drugs were found, whether or not it was preceded by a consensual encounter which ended at the latest upon asking Pieper for identification.

**F. Pieper was Seized.**

If the Court holds that the defendant's burden is to show that a seizure occurred, followed by the State's burden to prove that the seizure was justified, see *Florida v. Royer*, 460 U.S. 491 at 500, 103 S.Ct. 1319 at 1325, 75 L.Ed.2d 229 (1983) and *State v. Sevy*, 129 Idaho 613 at 614-15, 930 P.2d 1358 at 1359-60 (Ct.App. 1997), then such an analysis considers the totality of the circumstances. *Florida v. Bostick*, 501 U.S. 429 at 439, 111 S.Ct. 2382 at 2388-89, 115 L.Ed.2d 389 (1991).

Under this approach, and taking into account all the surrounding circumstances, the critical inquiry in assessing the legality of a consensual encounter is whether a reasonable person would have felt free to disregard the police, decline the officer's request or otherwise terminate the encounter. *Page, supra* 140 Idaho at 843-44, 103 P.3d at 456-57; *State v. Nickel*, 134 Idaho

610 at 613, 7 P.3d 219 (2000); *State v. Reese*, 132 Idaho 652 at 654, 978 P.2d 212 at 214 (1999); *State v. Fry*, 122 Idaho 100 at 103, 831 P.2d 942 (Ct.App. 1991). As stated in *Fry*, *supra*:

A seizure occurs—and the fourth amendment is implicated—when an officer, by means of physical force or show of authority, has in some way restrained a citizen's liberty. *Bostick*, 501 U.S. at —, 111 S.Ct. at 2386; *Terry v. Ohio*, 392 U.S. 1, 16, 88 S.Ct. 1868, 1877, 20 L.Ed.2d 889 (1968). *The critical inquiry is whether, taking into account all of the circumstances surrounding the encounter, "the police conduct would have communicated to a reasonable person that he was not at liberty to ignore the police presence and go about his business."* *Bostick*, 501 U.S. at —, 111 S.Ct. at 2387, quoting *Michigan v. Chesternut*, 486 U.S. 567, 569, 108 S.Ct. 1975, 1977, 100 L.Ed.2d 565 (1988). See also *California v. Hodari*, 499 U.S. 621, —, 111 S.Ct. 1547, 1547, 113 L.Ed.2d 690 (1991). (Emphasis added.)

122 Idaho at 102-103, 831 P.2d at 944-945.

Here, Pieper was "told" in effect to produce identification without a warrant, under circumstances where no reasonable person would think they were free to leave. The State must prove that these actions were justified and reasonable. *State v. Bishop*, 146 Idaho 804, 203 P.3d 1203, 1210 (2009).

Pieper had a legitimate expectation of privacy to sit in his car in a public place without governmental interference. With no rational suspicion law enforcement encircled him, questioned him, "ordered" him in essence to provide identification, and inquired as to his activities that night (while also using flashlights to look inside his car). Under the totality of these circumstances, a reasonable person would not have felt free to leave.

"Police officers without a warrant are permitted the same intrusion and the same level of observation as one would expect from a 'reasonably respectful citizen'." *State v. Limberhand*, 117 Idaho 456 at 462, 788 P.2d 857 at 863 (App. 1990). A respectful citizen would not, acting in

concert with another, encircle a man sitting in a car in a parking lot talking on the phone at 10:30 at night and look into his car using a flashlight to see through the window tinting, which would communicate to any other reasonable citizen a desire for privacy, to peer at whatever may be inside.

We caution that our decision does not countenance officers initiating "consensual contacts" with individuals merely in order to follow that contact with a request for identification to run a license check or a warrants check. Such a law enforcement tactic would run afoul of the Supreme Court decision in *Brown*, discussed above.

*State v. Landreth*, 139 Idaho 986, 88 P.3d 1226 at 1231 (Ct.App. 2004).

When the court examines the totality of circumstances of this police contact and arrest, the overwhelming impression is one of detention and criminal investigation, not a consensual encounter. Factors present that reveal detention and compulsion include the presence of multiple officers and the planned nature of the encounter with one officer approaching the driver's door while another approaches the passenger's door. The atmosphere is immediately one of constraint. Police uniforms combined with the tone and authority of voice reflects not friendly questions but orders to be obeyed. "An 'oral command' constitutes a seizure when the citizen yields to the command, as the oral command constitutes a show of authority." *State v. Maland*, 140 Idaho 817 at 820, 103 P.3d 430 at 433 (2004).

In *United States v. Mendenhall*, 446 U.S. 544, 554 (1980), the United States Supreme Court stated:

Examples of circumstances that might indicate seizure, even where the person did not attempt to leave, would be the threatening presence of several officers, the display of a weapon by an officer, some physical touching of the person of the citizen, or the use of

language or tone of voice indicating that compliance with the officer's request might be compelled.

Other factors show a seizure as well. In a similar case, the appellate court found a seizure in such a situation. In that case, *State v. Fry*, 122 Idaho 100, 831 P.2d 942 (Ct.App. 1991), Fry was in his parked truck in a parking lot when he was approached by police who knocked on the window, asked what Fry was doing and asked for his license. The court found a seizure and vacated Fry's conviction.

Officer Wilson, fully dressed in his police officer's uniform, knocked on the window of Fry's pickup. *Fry rolled down the window and Wilson asked Fry what he was doing and if Wilson could have his driver's license.* Unlike other cases in which the police request the subject's cooperation in answering questions, *the inquiry here as to what Fry was doing did not give Fry the option of answering or not.* (Emphasis added.)

*Fry*, 831 P.2d at 945. Although Pieper's window was partially rolled down, the principle remains. Simply taking a driver's license can be a seizure by itself. "This Court has previously held that a limited detention does occur when an officer retains a driver's license or other paperwork of value." *State v. Page*, 140 Idaho 841, 103 P.3d 454 at 457 (2004). And in *State v. Osborne*, 121 Idaho 520, 524, 826 P.2d 481, 485 (Ct.App. 1991), the appellate court found a seizure occurred when an officer asked to see the defendant's driver's license.

The situation was quite different, however, once Deputy Costello asked to see Osborne's driver's license. By virtue of a state statute, Osborne — who was in the driver's seat of a vehicle with its engine running — was required to respond to the officer's request and surrender his driver's license. See I.C. § 49-316. Moreover, this same statute required that Osborne have his license 'in his immediate possession at all times when operating a motor vehicle.' Osborne was legally obligated to comply with the officer's request and could not drive away without violating the law. Under these circumstances, *we hold as a matter of law that Osborne could not reasonably have believed he was 'at liberty to*

*ignore the police presence and go about his business.* (Emphasis added.) (Footnote omitted.)

Pieper was lawfully parked in the parking lot. "Citizens do not become prospective detainees merely because they are driving late at night and decide to lawfully park on a city street." *State v. McAfee*, 116 Idaho 1007 at 1010, 783 P.2d 874 at 877 (Ct.App. 1989). In *McAfee* an officer asked McAfee to come out of his van. The Idaho Supreme Court found McAfee was seized by the police ordering him out of his van without rational suspicion of criminality.

The magistrate found that the officers had not received any reports that may have aroused their suspicion of McAfee or his van. Nor was there testimony that the police were looking for a particular individual or vehicle wanted in connection with other criminal activities. The officers were simply suspicious because the van had stopped. *McAfee was legally parked in a place where he had a right to be.* Apparently no traffic laws or other law had been violated. Therefore, upon examining the 'whole picture' of McAfee's situation, *we conclude that there was no reasonable articulable suspicion that could form the basis of a lawful seizure.* (Emphasis added.)

*McAfee*, 783 P.2d 874 at 876.

Requiring someone to come speak with an officer can also be a seizure. In one case "[a]s the deputies began walking to the [car], Cardenas got out and started toward the house. A deputy told Cardenas 'he needed to come speak to me,' and Cardenas turned and came back." *State v. Cardenas*, 143 Idaho 903, 155 P.3d 704 at 706 (Ct.App. 2006).

When the deputy told Cardenas 'he needed to come speak to [the deputy],' under the circumstances, Cardenas was seized. As in *Zubizareta* and *McAfee*, the officer's language was inherently coercive such that reasonable people would not believe they were free to go about their business. Because it was the result of an unlawful command, the initial contact was not consensual. We

hold that the initial detention of Cardenas was unlawful because it was not supported by reasonable suspicion.

*Cardenas*, 155 P.3d 704 at 709.

Additional factors that demonstrate that this contact was not a consensual encounter include the inconsiderate nature of the contact occurring while Pieper was already on the phone; questioning about what he was doing there, suggesting he was not free to not answer those questions; that the contact was police-initiated and that its purpose was to investigate for crime.

**G. Pieper was in Custody for *Miranda* Purposes.**

The police told Pieper that marijuana had been found and he was being detained and handcuffed. "An officer's knowledge or beliefs may bear upon the custody issue if they are conveyed, by word or deed, to the individual being questioned." *Stansbury v. California*, 511 U.S. 318 at 325, 114 S.Ct. 1526 (1994).

No reasonable person would believe anything other than that they were under arrest in such a situation. As was pointed out in *State v. Frank*, 133 Idaho 364, 986 P.2d 1030 at 1035 (App. 1999):

Short of an actual arrest, 'the safeguards prescribed by *Miranda* become applicable as soon as a suspect's freedom of action is curtailed to a 'degree associated with formal arrest'.' *Berkemer*, 468 U.S. at 440, 104 S.Ct. at 3150, 82 L.Ed.2d at 335, quoting *California v. Beheler*, 463 U.S. 1121, 103 S.Ct. 3517, 77 L.Ed.2d 1275 (1983). 'The 'custody' test is an objective one; it is not based upon the subjective impressions in the minds of either the defendant or the law enforcement officer.' *State v. Massee*, 132 Idaho 163, 165, 968 P.2d 258, 260 (Ct.App. 1998). '[T]he only relevant inquiry is how a reasonable man in the suspect's position would have understood the situation.' *Id.*, quoting *Berkemer*, 468 U.S. at 442, 104 S.Ct. at 3151, 82 L.Ed.2d at 336.

At the point of custody, the warnings required by *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966) must be given or the answers to interrogation cannot be used.

**H. Evidence must be Suppressed.**

One of the most significant cases in exclusionary law is *Wong Sun v. United States*, 371 U.S. 471, 83 S.Ct. 407 (1963). In discussing the remedy of exclusion, the Court indicated that:

'[T]he Fourth Amendment may protect against the overhearing of verbal statements as well as against the more traditional seizure of 'papers and effects.' Similarly, testimony as to matters observed during an unlawful invasion has been excluded in order to enforce the basic constitutional policies.' (83 S.Ct. at 416.)

Also, comments made by defendants after being confronted with illegally seized items are suppressed. "Statements made by the defendant as a result of being confronted by the police with the fruits of an illegal search constitute the fruit of the poisonous tree and are inadmissible in evidence in a criminal prosecution." *State v. Luna*, 126 Idaho 235 at 239, 880 P.2d 265 at 269 (App. 1994).

Under both the Fourth Amendment and Idaho's comparable provisions and the principles of law enunciated in *Miranda, supra*, the physical evidence and statements made by Mr. Pieper must be suppressed.

**CONCLUSION**


The actions of the police establish an improper seizure from the very beginning of their contact with Mr. Pieper. By the planned approach, the request for identification and interrogation about that night's activities, the police seized Mr. Pieper.

A person in Pieper's situation would find that "the police conduct ... communicated ... that he was not at liberty to ignore the police presence and go about his business." Thus under *Bostick, supra*, and the other cases cited herein, Pieper was illegally seized.

All evidence collected by the police must be suppressed.

DATED this 20 day of October, 2016.

PALMER GEORGE & TAYLOR PLLC

By   
Michael G. Palmer  
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 20 day of October, 2016, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

- ☐ U.S. MAIL
- ☐ HAND DELIVERED
- ☐ OVERNIGHT MAIL
- ☐ TELECOPY (FAX) to: (208) 446-2168
- ☒ JUSTICE WEB

  
Amber D. Morris





away, with enough room for another car to pass through. At no time were the patrol car lights or the siren activated, nor was the vehicle blocked in by the patrol car.

Officers Johns and Wiedebush exited the patrol car and approached the vehicle on foot. At no time during their approach or subsequent contact with Defendant did the officers draw their guns or any other weapons. Officer Johns approached the driver's side of vehicle while Officer Wiedebush approached the passenger side. The officers determined upon their approach there were two male occupants in the vehicle. Officer Johns made contact with Defendant, seated in the driver's seat, through the already open window of the vehicle. Officer Johns conversationally inquired if Defendant and his passenger would be willing to speak with him, to which they gave him their consent. Officer Johns then asked if either of the individuals had identification on them and asked whether they were "just hanging out in the park". At no point did Officer Johns raise his voice, make threats, draw his weapon or make demands of Defendant.

While Officer Johns spoke with Defendant, Officer Wiedebush had approached the vehicle on the passenger side and saw in plain view in the back seat a large mason jar of marijuana. Officer Wiedebush made Officer Johns aware of his observation within seconds of Officer Johns inquiring about identification and the occupants' presence at the park. Officer Johns at that point asked Defendant to step out of the vehicle and detained him based on the marijuana in plain view. Pursuant to the automobile exception, Officer Johns and Officer Wiedebush searched the car and found multiple items of paraphernalia as well as oxycodone, morphine, methamphetamine and hydrocodone. Defendant was arrested and charged with four counts of Possession of Controlled Substance.

## ISSUES

1. Whether the Officer Johns' lawful contact with Defendant was a consensual encounter, and therefore not a seizure under law.
2. Whether Defendant was in custody and subject to interrogation at the time he was detained by Officer Johns after Officer Wiedebush observed a large mason jar of marijuana in plain view in the vehicle by spontaneously making incriminating statements.

## ARGUMENT

- 1. Officer Johns' parking of his patrol car so as to not obstruct Defendant's vehicle, approach of Defendant's vehicle in a public parking lot to Defendant's open window to have a cordial conversation was a consensual encounter and therefore, no seizure occurred.**

### 1. CONSENSUAL ENCOUNTER

As pointed out by Defendant in his Memorandum in Support of Defendant's Motion to Suppress, the current legal standard in Idaho is Defendant bears the burden of proving a seizure occurred. *Memorandum in Support of Defendant's Motion to Suppress*, pg. 6. The State maintains no such seizure occurred as this was a consensual encounter.

The issue before this Court is whether the officers communicated to Defendant (or any reasonable person in his position) that he was not at liberty to go about his business and ignore the police presence. *Florida v. Bostick*, 501 U.S. 429, 434 (1991).

Police have the right to approach individuals and speak with them, even if there is no criminal activity afoot. *State v. Jordan*, 122 Idaho 771, 774, 839 P.2d 38, 41 (Ct. App. 1992); *State v. Zubizaretta*, 122 Idaho 823, 827, 839 P.2d 1237, 1241 (Ct. App. 1992) ("... the police were authorized to approach the car and attempt to talk to Zubizaretta. Zubizaretta voluntarily complied with the request to roll down the window. His freedom to go about his business was not restricted at this point."). In *State v. Osborne*, 121 Idaho 520, 826 P.2d 481 (Ct. App. 1991), the Idaho Court of Appeals stated:

A seizure does not occur simply because a police officer approaches an individual on the street or other public place, by asking him questions, or by putting questions to him if he is willing to listen. *Florida v. Bostick*, 501 U.S. 429, 111 S.Ct. 2382, 115 L.Ed.2d 389 (1991); *Florida v. Royer*, 460 U.S. 491, 103 S.Ct. 1319, 75 L.Ed.2d 229 (1983). Unless and until there is a detention, there is no seizure within the meaning of the [F]ourth [A]mendment and no constitutional rights have been infringed. *Royer*, 460 U.S. at 498, 103 S.Ct. at 1324. Even when officers have no basis for suspecting a particular individual, they may generally ask the individual questions and ask to examine identification. *Florida v. Rodriguez*, 469 U.S. 1, 105 S.Ct. 308, 83 L.Ed.2d 165 (1984); *INS v. Delgado*, 466 U.S. 210, 104 S.Ct. 1758, 80 L.Ed.2d 247 (1984); *United States v. Mendenhall*, 446 U.S. 544, 100 S.Ct. 1870, 64 L.Ed.2d 497 (1980). Thus, where an officer merely approaches a person who is standing on the street, or seated in a non-moving vehicle located in a public place, and poses a few questions, no seizure has occurred. See *United States v. Castellanos*, 731 F.2d 979 (D.C.Cir.1984); *United States v. Woods*, 720 F.2d 1022 (9th Cir.1983).... [T]he critical inquiry is whether, taking into account all of the circumstances surrounding the encounter, “the police conduct would have communicated to a reasonable person that he was not at liberty to ignore the police presence and go about his business.” *Bostick*, 501 U.S. at 434, 111 S.Ct. at 2387, quoting *Michigan v. Chesternut*, 486 U.S. 567, 569, 108 S.Ct. 1975, 1977, 100 L.Ed.2d 565 (1988).

121 Idaho 520, 523-34, 826 P.2d 481, 484-85. Voluntariness was further addressed by the Idaho Court of Appeals in *State v. Jaborra*, 143 Idaho 94, 97 (Ct. App. 2008):

A determination of voluntariness does not turn “on the presence or the absence of a single controlling criterion.” *Schneckloth*, 412 U.S. at 226, 93 S.Ct. at 2047, 36 L.Ed.2d at 862. Factors to be considered include whether there were numerous officers involved in the confrontation, *Castellon v. United States*, 864 A.2d 141, 155 (D.C. 2004); *United States v. Jones*, 846 F.2d 358, 361 (6th Cir. 1988); the location and conditions of the consent, including whether it was at night, *United States v. Mapp*, 476 F.2d 67, 77-78 (2d Cir. 1973); whether the police retained the individual's identification, *United States v. Chemaly*, 741 F.2d 1346, 1353 (11th Cir.1984); whether the individual was free to leave, *Ohio v. Robinette*, 519 U.S. 33, 39-40, 117 S.Ct. 417, 421-22, 136 L.Ed.2d 347, 354-55 (1996); *Chemaly*, 741 F.2d at 1353; *State v. Gutierrez*, 137 Idaho 647, 651, 51 P.3d 461, 465 (Ct. App. 2002); and whether the individual knew of his right to refuse consent, *Schneckloth*, 412 U.S. at 248-49, 93 S.Ct. at 2058-59, 36 L.Ed.2d at 875; *Chemaly*, 741 F.2d at 1353; *State v. Jones*, 126 Idaho 791, 793, 890 P.2d 1214, 1216 (Ct. App. 1995).

*Jaborra*, 143 Idaho at 97-98, 137 P.3d at 484-85. Idaho courts have previously held that

“[i]nterrogating a person concerning his identification or requesting identification does not,

without more, constitute a seizure.” *State v. Nickel*, 134 Idaho at 613, 7 P.3d at 222 (2000).

### **ARGUMENT AS TO CONSENSUAL ENCOUNTER**

Given the aforementioned law, the State expects evidence will be adduced leading this Honorable Court to the conclusion Defendant was free to leave. The following factors are expected to be adduced:

- Officer Johns did not park his patrol car in such a way as to restrict Defendant’s vehicle from moving.
- There were two officers involved in the contact with two individuals in the vehicle.
- Officer Johns at no time during the encounter activated his emergency lights or sirens.
- At no time did either officer position themselves in such a way that Defendant’s vehicle was blocked in.
- Officer Johns throughout the encounter was cordial, polite, and kind to Defendant.
- No weapons were drawn, brandished, displayed, and/or exhibited towards Defendant.
- Officer Johns simply asked if the occupants of Defendant’s vehicle had identification, not any specified identification.
- Officer Johns gave Defendant no commands prior to Officer Wiedebush observing the large jar of marijuana in plain view in the back seat of the vehicle.
- Officer Johns did not make any physical contact with Defendant prior to Officer Wiedebush identifying the marijuana in plain view.
- The consensual encounter occurred in the parking lot of a public park.
- Defendant, at no time, refused a question and/or asked to leave.
- The entirety of the encounter up until the discovery of the marijuana lasted a few moments.

- Prior to discovering the marijuana in plain view, Officer Johns did not restrain Defendant in any way, shape, or form.

The totality of circumstances present before this Honorable Court will demonstrate the encounter was consensual and therefore in accordance with established law.

**2. Defendant was never subjected to a custodial interrogation, therefore *Miranda* was not violated and any statements made by Defendant should be allowed.**

Before conducting a custodial interrogation, law enforcement must first inform a defendant of his or her right to remain silent and right to counsel. *Miranda v. Arizona*, 384 U.S. 436, 467-68 (1966); *State v. Silver*, 155 Idaho 29, 304 P.3d 304, 306 (Ct. App. 2013). However, *Miranda* warnings are only required when the defendant is in custody. *Id.* “A person is in custody, for *Miranda* purposes, from the moment of formal arrest or as soon as the person’s freedom of action is curtailed to a degree associated with formal arrest.” *Silver*, 304 P.3d at 306 (quoting *Berkemer v. McCarty*, 468 U.S. 420, 440 (1984)) (internal quotations omitted). This custody determination is based on the totality of the circumstances surrounding the interrogation and “how a reasonable man in the suspect’s position would have understood his situation.” *State v. James*, 148 Idaho 574, 577 (2010) (quoting *Berkemer*, 468 U.S. 420, 442). The burden of proving custody for purposes of *Miranda* is on the defendant. *James*, 148 Idaho at 577.

Courts consider a number of factors in determining how a reasonable person would understand his situation including whether the interrogation took place in a police-dominated atmosphere or at a police station, the degree of restraint on the defendant’s movement including whether he was in handcuffs, whether the defendant is informed that the detention is more than temporary, the location and visibility of the interrogation, the presence of other people, the number of officers present or involved in the interrogation, and the nature of the questioning. *Silver*, 304 P.3d at 307; see also *Berkemer*, 468 U.S. at 435-42; *James*, 148 Idaho at 577-78.

Defendant was detained in handcuffs after the large jar of marijuana was discovered in plain view in the back seat of the vehicle. As he was only detained, Defendant was not read *Miranda* upon being placed in handcuffs. Defendant then goes on to make spontaneous incriminating statements, not in response to questions likely to illicit an incriminating response. Further, it is unclear to the State exactly which statements are sought to be suppressed at this time. For the above reasons, Defendant's motion to suppress should be denied.

### CONCLUSION

For the foregoing reasons, the State respectfully requests the Defendant's Motion to Suppress be denied.

DATED this 28th day of October, 2016.



---

CASEY BECKER RIEDNER SIMMONS  
DEPUTY PROSECUTING ATTORNEY

### CERTIFICATE OF MAILING

I hereby certify that on the 1<sup>st</sup> day of November, 2016, a true and correct copy of the foregoing was caused to be delivered as follows:

MICHAEL PALMER  
ATTORNEY FOR DEFENDANT



---

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20161102 Motion Suppress Judge Mitchell Court Reporter Kim Hannan Clerk Jeanne Clausen		
<b>Date</b>	11/2/2016	<b>Location</b>	1K-COURTROOM8
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
04:02:03 PM	J	Calls case - Mr. Palmer present on behalf of the defendant. Mr. Robins present for the State.	
04:02:32 PM	DA	My client is stuck in traffic on Hwy 95.	
04:02:54 PM	J	Back on the record with the defendant present. Reviews documents read in preparation for this hearing. Burden upon the defendant to prove that a seizure occurred.	
04:09:37 PM	DA	State needs to lay a factual record.	
04:10:08 PM	PA	I'm confused. Establishes a seizure and then will go back to the State. I don't understand the need to establish a factual basis.	
04:10:48 PM	J	Establish that there was an encounter.	
04:11:01 PM	DA	Stipulate to an encounter. Motion to exclude witnesses until evidentiary record is completed.	
04:11:28 PM	PA	No objection.	
04:11:38 PM	DA	Calls officer Weidebush. Officer is an adverse witness. Directs.	
04:12:29 PM	Officer Weidebush	Police officer for 20 years. I was present during the initial seizure. I was patrolling along with Officer Johns in a marked patrol car and in police uniform. It would be obvious that we are law enforcement. Officer Johns was driving. Drove into parking lot of Cherry Hill Park. 2 vehicles located in the lot. Mr. Pieper was in one of vehicles. I don't recall if the windows were tinted, but if I testified to it previously, then they were tinted. Gave license plate number to dispatch and then we exited our vehicle and approached. This is part of protocol.	
04:16:42 PM	PA	Objection - relevance.	
04:16:55 PM	DA	Relevant - Terry stop.	
04:17:05 PM	Officer Weidebush	There was no reason to believe that car was involved in any criminal activity or it was stolen. Didn't see any suspicious activity in vehicle. I was training Officer Johns.	
04:18:57 PM	PA	Objection - nothing about training operation.	
04:19:08 PM	J	Sustained.	
04:19:12 PM	Weidebush	We didn't stop and talk about what we are going to do. Dangerous to sit in patrol car and talk about things.	
04:20:23 PM	PA	Objection - nothing heard about danger.	



04:20:34 PM	J	Sustained.
04:20:37 PM	Weidebush	When we make contact with anybody, we time our actions to put ourselves in most safe situation as possible.
04:21:30 PM	PA	Objection - relevance.
04:21:39 PM	J	Overruled.
04:21:42 PM	Weidebush	Nothing suspicious and <del>saw</del> at least one person in vehicle. I didn't recognize person from prior contact. Parking lot was open to public. We were cautious, not defensive.
04:25:53 PM	PA	Object as to relevance.
04:26:07 PM	DA	Initiated contact here.
04:26:27 PM	J	What happened is truly relevant.
04:26:41 PM	Weidebush	I didn't make decision to have contact with this vehicle. Officer Johns was driving and made the decision. I approached the passenger side and Officer Johns approached the drivers side. I used a flashlight. I was the one who saw a mason jar full of contraband and let other officer know. At this point we were investigating. This wasn't community care taking.
04:32:06 PM	PA	Cross.
04:32:11 PM	Weidebush	I have been with CDA Police Dept for 2 years. 20 years in law enforcement. I have seen marijuana. Describes training and experience. I'm capable of ID'ing marijuana on a visual basis. 5/22/16 - I contacted the deft. Officer Johns was newly hired out of academy. I was his field training officer. Made contact with deft at approx 10pm. Officer Johns was driving patrol car and did a patrol check at the Cherry Hill parking lot. Mr. Pieper was driving 2000 Mercury Cougar. The overhead lights were not activated. I don't recall if windows were tinted. I could see thru windows with use of flashlight. I was talking with passenger and looking around vehicle at same time. Marijuana was in plain sight. No threats were given or restraints. Officer Johns didn't draw his weapon.
04:43:51 PM	DA	Redirects.
04:44:07 PM	Weidebush	I have seen the video from my body cam. Reviews transcript from preliminary hearing.
04:49:50 PM	PA	Recross.
04:49:55 PM	Weidebush	I saw the marijuana within seconds and told Officer Johns.
04:51:04 PM	DA	Calls Officer Johns. Directs.
04:51:43 PM	Officer Zachary Johns	Coeur d'Alene Police Dept. 5/22/16 at Cherry Hill Park, CDA, ID. I was doing a designated patrol. I saw a car that had a blue light coming from it and was in a dark area. I don't remember whether or not I ran the plate. It wasn't normal to have a car parked there at that time. It was dark at the time and I believe the

04:54:42 PM	DA	Page 51 lines 8 and 9.
04:54:52 PM	Officer Johns	Walked up to drivers side door and made contact with driver, Mr. Pieper. I immediately asked for ID to see who I was talking to. I needed to document who they are during field interview.
04:57:59 PM	PA	Objection as to relevance.
04:58:14 PM	J	Sustained.
04:58:18 PM	Officer Johns	I detained Mr. Pieper and placed in handcuffs.
05:01:08 PM	PA	Cross.
05:01:13 PM	Officer Johns	I wasn't post certified at that time. My car was not blocking his vehicle. I hadn't activated my lights. I was in uniform. I asked if I could speak to people inside. They agreed to conversation. I didn't do anything that would indicate they were not free to leave. I was notified by Officer Weidebush that there was weed in car. I placed him in hand cuffs and told him he was detained. I'm unsure if he made statements. I did write a report. Reviews. I didn't ask him any interrogation statements.
05:06:34 PM	DA	Redirects.
05:06:40 PM	Officer Johns	He was placed in back of patrol car until we could figure out what was going on. Escorted from his vehicle to patrol car. Miranda warnings weren't read to him at that time.
05:07:54 PM	PA	No recross.
05:09:17 PM	PA	Stipulate to the admitting the video. And would like this to be continued to bring the officers back in. There was an alleged statement made about marijuana card.
05:11:02 PM	J	I've read both briefs twice.
05:11:13 PM	DA	Object to determination that the burden is on us. Whether or not this is a consensual encounter. This is no longer is a consensual encounter. When police officers asked do you have ID, that is a seizure or detention. The officer had to look thru windows with flashlight. Not a consensual stop from moment they asked for ID. All of this stems from observations made. A Citizen is going to submit to officer's request. This is a police seizure of Mr. Pieper and what flowed after that should be suppressed.
05:16:34 PM	PA	Cites case law. No seizure. Reasonable person feel free to leave. This doesn't violate Miranda. Haven't heard any statements they are requesting to suppress. Disagree with conclusion.
05:19:24 PM	J	No questions.
05:19:30 PM	DA	This was not a consensual encounter that normal people would have. Two officers flanking a vehicle, using flashlights, this is authority.

05:21:16 PM	J	Denying motion to suppress. Never seen anything written about a consensual encounter being what normal people would have. Reviews State vs Fry. What did the police do or not do. This happened all very rapidly. Plaintiff has met it's burden and defense has failed to meet its burden. This was at all times a consensual encounter. Asking question, no command until he gets out of car and put hands behind back. I haven't been sighted any case law that you can't use a flashlight or that it isn't improper. I won't write a written decision.
05:26:39 PM	PA	Stipulated that defense exhibit A can be admitted.
05:27:39 PM	J	Exhibit A is admitted.
05:27:56 PM	J	Is transcript going to be admitted?
05:30:25 PM	J	Admits Defense Exhibit B .
05:30:37 PM	End	

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IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE STATE OF  
IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: 11/9/16  
AT 9:00 O'CLOCK A.M.  
CLERK, DISTRICT COURT  
DEPUTY

**STATE OF IDAHO,**  
Plaintiff,

vs.

**TYSON MICHAEL PIEPER,**  
Defendant.

Case No. CRF16-9592

**ORDER DENYING  
DEFENDANT'S MOTION TO  
SUPPRESS**

This matter having come before the Court upon the defendant's Motion to Suppress; the State having been represented by David Robins, Deputy Prosecuting Attorney; the defendant being present and represented by Michael Gerald Palmer; the Court having considered arguments on the matter, now therefore

IT IS HEREBY ORDERED that the defendant's Motion to Suppress is denied for reasons stated on the record.

ENTERED this 9th day of November, 2016.

  
JUDGE JOHN MITCHELL  
DISTRICT COURT

**ORDER DENYING DEFENDANT'S  
MOTION TO SUPPRESS**

Page 1 of 2

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9 day of Nov., 2016 that a true and correct copy of the foregoing was delivered as indicated below:

X Kootenai County Prosecuting Attorney (email: 446-2168 ~~kepareports@kegov.us~~)  
Coeur d'Alene Prosecuting Attorney (email: cdaprosnotices@cdaid.org)  
Post Falls Prosecuting Attorney (email: legalservices@postfallspolice.com)  
Rathdrum Prosecuting Attorney (email: legalservices@postfallspolice.com)  
X Kootenai County Public Defender (email: pdfax@kegov.us)  
X Defendant/Defendant's Attorney: Michael Palmer  
Kootenai County Jail (email: warrants@kegov.us) 765-4636  
Kootenai County Work Release (email: workrelease@kegov.us;  
jailsgts@kegov.us)  
Community Service (email: dzook@kegov.us)  
Adult Misdemeanor Probation (email: kcmp@kegov.us)  
Probation & Parole (email: dist1@idoc.idaho.gov;  
ccdsentencingteam@idoc.idaho.gov)  
Idaho Department of Transportation (fax: 208-334-8739)  
BCI (fax: 208-884-7193)  
Idaho Department of Corrections (email: centralrecords@idoc.idaho.gov)  
Other: \_\_\_\_\_  
Other: \_\_\_\_\_

JIM BRANNON

CLERK OF THE DISTRICT COURT

By: Debra Clausen

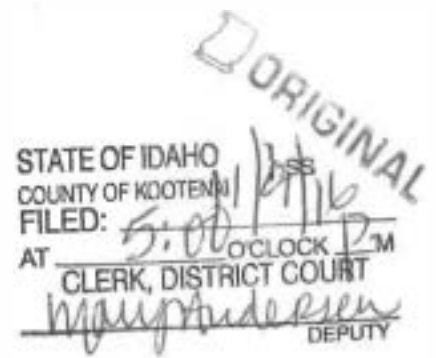
ORDER DENYING DEFENDANT'S  
MOTION TO SUPPRESS

Page 2 of 2

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20161109 Pretrial Conference Judge Mitchell Court Reporter Julie Foland Clerk Jeanne Clausen		
<b>Date</b>	11/9/2016	<b>Location</b>	1K-COURTROOM8
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
03:10:22 PM	Judge Mitchell	Calls case - deft present and represented by Michale Palmer, Casey Simmons present for the State. Reviews pretrial settlement offer.	
03:15:11 PM	J	Reviews amended information.	
03:15:17 PM	Deft	Confirms ID. Not under the influence of drugs or alcohol and have no mental illness. Waives reading of amended information.	
03:15:56 PM	J	Reviews maximum possible penalties.	
03:16:07 PM	Deft	Understands.	
03:16:12 PM	J	Charge of felony possession of a controlled substance - meth, how do you plead?	
03:16:27 PM	Deft	Pleads guilty.	
03:16:31 PM	Deft	Understands rights given up upon guilty plea. Satisfied with services of attorney.	
03:17:22 PM	DA	Agrees with client's plea given the circumstances.	
03:17:45 PM	Clerk	Gives oath.	
03:18:06 PM	Deft	No additional promises, no threats and pleas is free and voluntary.	
03:18:29 PM	J	Charge in the Amended Information of Possession of a Controlled Substance - meth, how do you plead?	
03:18:51 PM	Deft	Pleads guilty.	
03:18:55 PM	J	Accepts guilty plea. Set for sentencing on 1/10/17 at 3:30pm. Orders a PSI. To UA test today when you get to Probation and Parole.	
03:20:36 PM	End		

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BARRY MCHUGH  
Kootenai County Prosecuting Attorney  
501 N. Government Way/P.O. Box 9000  
Coeur d'Alene, ID 83816-9000  
Telephone Number: (208) 446-1800  
Fax Number: (208) 446-2168



Assigned Attorney  
Casey Becker Riedner Simmons

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

**STATE OF IDAHO,**  
Plaintiff,  
vs.  
**TYSON MICHAEL PIEPER,**  
DOB: [REDACTED]  
SSN: [REDACTED]  
Fingerprint #: 2800094733  
Defendant.

Case No. CR-F16-9592

**AMENDED  
INFORMATION**

**BARRY MCHUGH**, Prosecuting Attorney in and for the County of Kootenai, State of Idaho, who prosecutes in its behalf, comes now into Court, and does accuse TYSON MICHAEL PIEPER with committing the crime(s) of: **POSSESSION OF A CONTROLLED SUBSTANCE**, Idaho Code §37-2732(c)(1), committed as follows:

That the Defendant, TYSON MICHAEL PIEPER, on or about the 22nd day of May, 2016, in the County of Kootenai, State of Idaho, did knowingly and unlawfully possess a controlled substance, to-wit: Methamphetamine, a Schedule II controlled substance, all of which is contrary to the form, force and effect of the statute in such case made and provided and against  
//

**AMENDED INFORMATION:** Page 1

the peace and dignity of the people of the State of Idaho.

DATED this 10<sup>th</sup> day of November, 2016.

BARRY MCHUGH  
Kootenai County Prosecuting Attorney



Casey Becker Riedner Simmons  
Deputy Prosecuting Attorney

#### CERTIFICATE OF MAILING

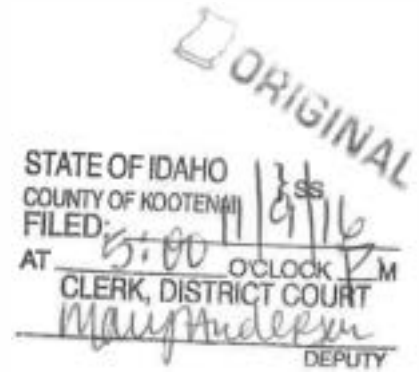
I hereby certify that on the 10th day of November, 2016, a true and correct copy of the foregoing was caused to be delivered as follows: ☐ mailed ☐ faxed ☒ hand delivered ☐ emailed ☐ JusticeWeb  
Defense Counsel  
Michael G. Palmer

---

**AMENDED INFORMATION:** Page 2



BARRY MCHUGH  
Kootenai County Prosecuting Attorney  
501 N. Government Way/P.O. Box 9000  
Coeur d'Alene, ID 83816-9000  
Telephone Number: (208) 446-1800  
Fax Number: (208) 446-2168



Assigned Attorney  
*Casey Becker Riedner Simmons, Deputy Prosecuting Attorney*

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

**STATE OF IDAHO,**  
Plaintiff,  
vs.  
**TYSON MICHAEL PIEPER**  
Defendant.

Case No. CR-F16-9592

**MOTION TO DISMISS  
COUNTS II THROUGH IV**

COMES NOW, Barry McHugh, Prosecuting Attorney for Kootenai County, State of Idaho, and hereby moves the Court for an Order to Dismiss COUNTS II, III AND IV: **POSSESSION OF A CONTROLLED SUBSTANCE**, Idaho Code §37-2732(c)(1), the above entitled matter pursuant to a plea agreement between the parties.

DATED this 9th day of November, 2016.

BARRY MCHUGH  
Kootenai County Prosecuting Attorney

Casey Becker Riedner Simmons  
Deputy Prosecuting Attorney

MOTION TO DISMISS COUNTS II, III AND IV

## CERTIFICATE OF MAILING

I hereby certify that on the            day of NOVEMBER, 2016, a true and correct copy of the foregoing was caused to be delivered as follows: ☐ mailed ☐ faxed ☐ hand delivered ☒ emailed ☒ JusticeWeb  
Defense Counsel  
Michael G. Palmer

---

MOTION TO DISMISS COUNTS II, III AND IV

State of Idaho

vs.

PRETRIAL SETTLEMENT OFFER

Tyson Michael Pieper

OFFER EXPIRES IF PRELIM NOT WAIVED AT PRELIM STATUS OR  
IF NOT GUILTY PLEA ENTERED IN DISTRICT COURT

The State offers that in exchange for Defendant's guilty plea(s) to:

Count	Charge	Statutory Maximum Penalty
1	(F) PCS - meth	7 yrs/\$15k

and Defendant's agreement to:

- ☒ Waive appeal as of right as to conviction.
- ☒ Pay restitution: If applicable per statute: for all charges, even those dismissed
- ☒ Other agreements: Waive Prelim Hearing :

It will agree and recommend as follows:

- ☒ Sentence recommendation: 1+4=5, impose
- ☒ To dismiss/not file: ☒ Other: remaining counts

The STATE is no longer bound to the aforementioned sentencing recommendations, nor is the Court bound to an I.C.R. 11 (f) agreement, if ANY of the following occur prior to sentencing:

- (1) Defendant fails to appear in Court and/or at the first scheduled pre-sentence interview;
- (2) Defendant violates any Court order or conditions of bail/release from custody;
- (3) Defendant commits a new criminal offense.

The determination of whether or not the defendant has failed to appear is at the sole discretion of the STATE. New criminal offenses and violations of Court orders and conditions of bail/release need only be established by a finding of probable cause. It shall not be a basis for the defendant to withdraw a guilty plea if the STATE seeks to make different recommendations pursuant to this paragraph, nor shall it be a basis for the defendant to withdraw from an I.C.R. 11 (f) agreement.

Dated: 11/09/2016

Casey Simmons

Prosecuting Attorney

☐ I REJECT THE ABOVE PRETRIAL SETTLEMENT OFFER.

☒ I ACCEPT THE ABOVE PRETRIAL SETTLEMENT OFFER AND WAIVE THE FOLLOWING RIGHTS:

1. The right to a jury or court trial.
2. The right to be presumed innocent unless proven guilty beyond a reasonable doubt.
3. The right to confront and question the witnesses against me.
4. The right to compel witness to come to court and testify for me.
5. The right to remain silent.
6. The right to appeal as of right as to conviction.

Tyson Michael Pieper  
Defendant

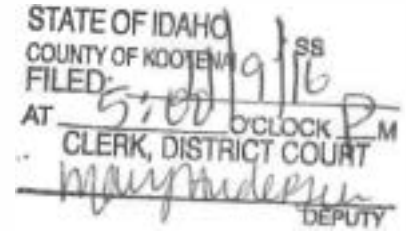
11/9/16  
Date

Defense Attorney

11/9/16  
Date

MICHAEL G. PALMER  
PALMER GEORGE & TAYLOR PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814  
Telephone: (208) 665-5778  
Facsimile: (208) 676-1683  
ISBA# 5488

Attorney for Defendant



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff,	)	
	)	<b>I.C.R. 11 PLEA AGREEMENT</b>
vs.	)	
	)	
TYSON M. PIEPER,	)	
	)	
Defendant.	)	
_____	)	

COMES NOW, the above-named Defendant, by and through his attorney of record, MICHAEL G. PALMER of the law firm of PALMER GEORGE & TAYLOR, PLLC, and the STATE OF IDAHO, by and through its attorney, CASEY SIMMONS of the KOOTENAI COUNTY PROSECUTOR'S OFFICE, and hereby proffer the following plea agreement pursuant to I.C.R. 11. It is the intent of the parties that this plea agreement be binding on both parties and upon the Court. It is further the intent of the parties that this agreement resolves all

outstanding issues in this matter, Kootenai County Case No. CRF-2016-09592, at the District Court level (subject only to remand from an appellate court).

### **PLEA AGREEMENT**

Specifically, the parties stipulate and agree that Defendant shall enter a guilty plea to Count I of the June 30, 2016 Information filed herein. In exchange for the aforementioned plea to Count I of the Information, Count II, Count III and Count IV of the Information shall be dismissed.

### **FACTUAL BASIS**

The parties further stipulate and agree that the Court, for purpose of accepting the Defendant's plea may, pursuant to I.R.E. 201, take judicial notice of the facts adduced into the evidentiary record at the preliminary hearing previously held herein on June 03, 2016 in order to establish the factual basis for Defendant's plea.

### **RESERVED RIGHTS**

The parties further stipulate and agree that Defendant's plea to Count I of the Information shall be entered pursuant to I.C.R. 11(a)(2) and shall reserve to Defendant all rights of appeal regarding the Court's pre-trial decisions and rulings in the matter (including the Motion to Suppress), as well as any other appellate rights as are provided by law.

The parties further stipulate and agree that nothing in this agreement shall be construed as a limitation on Defendant's right to seek any collateral remedy whether procedural or substantive as provided by Court rule, statute, or state or federal constitution, including but not limited to Habeas Corpus and/or an action in post-conviction relief.

### **SENTENCING AGREEMENT**

Regarding sentence, the parties stipulate and agree and respectfully move the Court, pursuant to I.C.R. 11(f)(1)(C) and (D) and 11(f)(2-4), for an order binding the Court and the parties to the following:

1. That the Court sentence the Defendant to a unified sentence of five (05) years.
2. That the determinate portion of the sentence shall be for a term of twelve (12) months.
3. That the indeterminate portion of the sentence shall be for a term of forty-eight (48) months.
4. There shall be no imposition of a fine.
5. Restitution in the sum of \$100.00 shall be imposed for lab testing of the controlled substance to which the Defendant has plead guilty.
6. Imposition of court costs shall be at the Court's discretion, and if imposed shall be in such amounts as are provided by the law.
7. That the Defendant's pretrial release shall continue until sentencing in this matter, unless:
  - a. He should be charged with a new jailable criminal offense;
  - b. He fails to appear for scheduled meetings with Probation & Parole for the purpose of preparing the presentence report.
  - c. He fails to appear at the sentencing hearing.

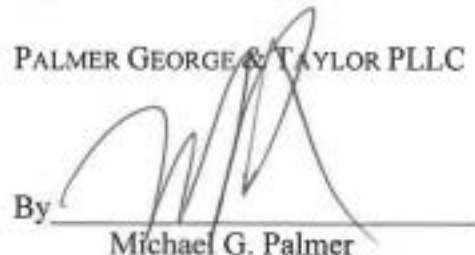
### RESOLUTION SUMMARY

This agreement, for a plea of guilty to a single count of possession of methamphetamine, and a stipulation to a unified five year sentence, with one year determinate, to be imposed and served in the custody of the Idaho Department of Corrections, is the full agreement of the parties and constitutes a final resolution, at the District Court level (unless remanded for further proceedings by an appellate court), of all matters herein, whether charged or uncharged, surrounding the incident(s) described in the June 30, 2016 Information and/or in the police investigative reports previously filed herein and which initiated prosecution in this matter.

DATED this 9 day of November, 2016.


  
Tyson Michael Pieper, Defendant

PALMER GEORGE & TAYLOR PLLC

By   
Michael G. Palmer  
Attorney for Defendant

DATED this 9 day of November, 2016.

KOOTENAI COUNTY PROSECUTOR'S  
OFFICE

By   
Casey Simmons  
Deputy Prosecuting Attorney

ORIGINAL OF THIS DOCUMENT TO IDOC

Assigned to: \_\_\_\_\_

Assigned: \_\_\_\_\_

STATE OF IDAHO

COUNTY OF KOOTENAI

FILED: \_\_\_\_\_

AT \_\_\_\_\_

5:00 O'CLOCK P.M.

CLERK, DISTRICT COURT

DEPUTY

First Judicial District Court, State of Idaho  
In and For the County of Kootenai  
ORDER FOR PRESENTENCE REPORT AND EVALUATIONS

STATE OF IDAHO

Plaintiff,

vs.

Tyson Michael Pieper

PO Box 1542

Noxon, MT 59853

Case No: CR-2016-0009592

ORDER FOR PRE - SENTENCE INVESTIGATION  
REPORT

CHARGE(s):

137-2732(c)(1) F Controlled Substance-Possession of

ROA : PSIO1- Order for Presentence Investigation Report

On this Wednesday, November 09, 2016, a **Pre-sentence Investigation Report** was ordered by the Honorable John T. Mitchell to be completed for Court appearance on:

Tuesday, January 10, 2017 at: 03:30 PM at the above stated courthouse.

☐ Behavioral Health Assessments waived by the Court (PSIO1 ROA code)

☒ Waiver under IC 19-2524 2 (e) allowing assessment and treatment services by the same person or facility

Other non- §19-2524 evaluations/examinations ordered for use with the PSI:

☐ Sex Offender ☐ Domestic Violence ☐ Other \_\_\_\_\_ Evaluator: \_\_\_\_\_

PLEA AGREEMENT: State recommendation

WHJ/JOC ☐ Probation ☐ PD Reimb ☐ Fine ☐ ACJ ☐ Restitution ☐ Other: impose prison sentence

1yr + 4yr = 5yr

DEFENSE COUNSEL: Michael Gerald Palmer \_\_\_\_\_

PROSECUTOR: Kootenai County Prosecutor - CR \_\_\_\_\_

THE DEFENDANT IS IN CUSTODY: ☐ YES ☒ NO If yes where: \_\_\_\_\_

DO YOU NEED AN INTERPRETER? ☒ NO ☐ YES If yes, what is the language? \_\_\_\_\_

Date: Nov. 9, 2016 Signature: \_\_\_\_\_

Judge

Cc: IC Prosecuting Attorney for Kootenai County (FAX 208-446-1833)

HD Defense Attorney: Michael Gerald Palmer [ ] EMAILED: amber@cdalawoffice.com

X EMAILED: d1sudintake@idoc.idaho.gov

✓ Defendant in court

11/10/16 6:59am

may mader  
Deputy Clerk

11-9-16

Date



STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED 5:00 PM 11/9/16  
AT 5:00 O'CLOCK  
CLERK, DISTRICT COURT  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

**STATE OF IDAHO,**  
Plaintiff,  
vs.  
**TYSON MICHAEL PIEPER,**  
Defendant.

Case No. CR-F16-9592

**ORDER TO DISMISS  
COUNTS II THROUGH IV**

IN CUSTODY  
☒ OUT OF CUSTODY

The Court having before it the Motion to Dismiss, and good cause thus appearing, now  
therefore;

IT IS HEREBY ORDERED that COUNTS II, III AND IV: **POSSESSION OF A  
CONTROLLED SUBSTANCE**, Idaho Code §37-2732(c)(1), in the above-entitled matter, be  
dismissed.

~~IT IS FURTHER ORDERED~~ that any bond posted shall be exonerated. *JM 11/9/16*

~~IT IS FURTHER ORDERED~~ that any outstanding warrants in the above entitled matter  
~~shall be quashed.~~

ENTERED this 9th day of NOVEMBER, 2016.

*John Mitchell*  
JUDGE JOHN MITCHELL  
DISTRICT COURT

ORDER TO DISMISS

**CERTIFICATE OF SERVICE**

I hereby certify that on the 9<sup>th</sup> day of November, 2016 that a true and correct copy of the foregoing was delivered as indicated below:

X Kootenai County Prosecuting Attorney (email: [kcpareports@kcgov.us](mailto:kcpareports@kcgov.us)) 4:29 pm  
Coeur d'Alene Prosecuting Attorney (email: [cdaprosnotices@cdaid.org](mailto:cdaprosnotices@cdaid.org))  
Post Falls Prosecuting Attorney (email: [legalservices@postfallspolice.com](mailto:legalservices@postfallspolice.com))  
Rathdrum Prosecuting Attorney (email: [legalservices@postfallspolice.com](mailto:legalservices@postfallspolice.com)) #1643  
Kootenai County Public Defender (email: [pdfax@kcgov.us](mailto:pdfax@kcgov.us))  
X Defendant/Defendant's Attorney: Michael Palmer 208-765-4163  
Kootenai County Jail (email: [warrants@kcgov.us](mailto:warrants@kcgov.us))  
Kootenai County Work Release (email: [workrelease@kcgov.us](mailto:workrelease@kcgov.us);  
[jailsgts@kcgov.us](mailto:jailsgts@kcgov.us))  
Community Service (email: [dzook@kcgov.us](mailto:dzook@kcgov.us))  
Adult Misdemeanor Probation (email: [kcmp@kcgov.us](mailto:kcmp@kcgov.us))  
Probation & Parole (email: [dist1@idoc.idaho.gov](mailto:dist1@idoc.idaho.gov);  
[ccdsentencingteam@idoc.idaho.gov](mailto:ccdsentencingteam@idoc.idaho.gov))  
Idaho Department of Transportation (fax: 208-334-8739)  
BCI (fax: 208-884-7193)  
Idaho Department of Corrections (email: [centralrecords@idoc.idaho.gov](mailto:centralrecords@idoc.idaho.gov))  
Other: \_\_\_\_\_  
Other: \_\_\_\_\_

JIM BRANNON

CLERK OF THE DISTRICT COURT

By: Mary Anderson

ORDER TO DISMISS

<b>Description</b>	CR 2016-9592 Pieper, Tyson 20160110 Sentencing Judge Mitchell Court Reporter Julie Foland Clerk Tiffany Burton		
<b>Date</b>	1/10/2017	<b>Location</b>	1K-COURTROOM8
<b>Time</b>	<b>Speaker</b>	<b>Note</b>	
03:31:34 PM	Judge Mitchell	Calls case; Def present not in custody w/ DA Mr. Palmer; PA Ms. Simmons	
03:32:48 PM	J	PSI dated January 6, 2017.	
03:33:04 PM	Def	I have read the document, discussed with DA.	
03:33:19 PM	DA	Reviews corrections. There is a case pending in Sanders Co in Montana with a similar charge. DC 16-02. Ms. Kennison is PA and Mr. Jasper is DA in that case. Plea agreement if this court follows Rule 11, if sentenced to prison Montana case will run concurrent. If put on probation here, their deal is off and they will seek a prison sentence. GAIN assessment does not exist in this case.	
03:39:17 PM	J	Based on what I've read, willing to go along with agreement and not wait until a GAIN has been produced. Imagine the DOC would perform the eval when he is in their custody.	
03:40:09 PM	PA	Recommend underlying 5 years, 1 plus 4; impose sentence. \$100 to ISP. No fine, leave CC in discretion, Rule 11 F agreement. I have been in contact with PA in Montana, their recommendations are relying heavily on what happens in this case.	
03:41:05 PM	DA	Per our agreement; agree with recommendations. Agree to \$100 to ISP.	
03:42:22 PM	J	Impose underlying of 5 years; 1 fixed plus 4 years indeterminate. Commit to IDOC today. \$100 reimbursement to ISP. \$285.00 CC. 247 days credit for time served. Bail will be exonerated. 42 days to appeal decision.	
03:44:05 PM	End		

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STATE OF IDAHO )  
County of KOOTENAI )<sup>85</sup>  
FILED 1-10-17  
AT 3:45 O'clock PM  
CLERK, DISTRICT COURT  
Monette Rik  
Deputy

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,

Plaintiff,

vs.

TYSON MICHAEL PIEPER

DOB [REDACTED]

SSN [REDACTED]

IDOC: 92776

Defendant.

Case No. **CRF 2016 9592**

**SENTENCING DISPOSITION AND  
NOTICE OF RIGHT TO APPEAL**

***This JUDGMENT AND SENTENCE constitute the sentencing disposition in the above matter.***

On January 10, 2016, before the Honorable John T. Mitchell, District Judge, you, **TYSON MICHAEL PIEPER**, personally appeared for sentencing. Also appearing were a representative of the Prosecuting Attorney for KOOTENAI County, Idaho and your lawyer, Michael Palmer.

WHEREUPON, the previously ordered presentence report having been filed, and the Court having ascertained that you have had an opportunity to read the presentence report and review it with your lawyer, and you having been given the opportunity to explain, correct or deny parts of the presentence report, and having done so, and you having been given the opportunity to make a statement and having done so, and recommendations having been made by counsel for the State and by your lawyer, and there being no legal reason given why judgment and sentence should not then be pronounced, the Court did then pronounce its sentencing disposition as follows:

**IT IS HEREBY ORDERED** that you, **TYSON MICHAEL PIEPER**, having been advised of and having waived your constitutional rights to: a) trial by jury; b) remain silent; and c) confront witnesses, and thereafter having pled guilty to the criminal offense charged in the Information on file herein as follows: **POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE) I. C. 37-2732(c)(1);**

**THAT YOU, TYSON MICHAEL PIEPER, ARE GUILTY OF THE CRIME SO CHARGED**, and now, therefore,

☒ **IT IS FURTHER ORDERED** that, pursuant to **I.C. §19-2513**, you are sentenced as follows:

**POSSESSION OF A CONTROLLED SUBSTANCE (METHAMPHETAMINE)**, (a felony), Idaho Code § I. C. 37-2732(c)(1), committed on May 22, 2016 – to the custody of the Idaho State Board of Correction for a fixed term of **ONE (1) year** followed by an indeterminate term of **FOUR (4) years**, for a total term not to exceed **FIVE (5) years**.

☒

**IT IS FURTHER ORDERED** that **TYSON MICHAEL PIEPER** is committed to the custody of the Idaho State Board of Correction on the date of the sentencing hearing, January 10, 2016, and that the Clerk shall deliver a copy of this order to the Sheriff, which shall serve as the commitment of the Defendant to the custody of the Idaho State Board of Correction.

☒

**IT IS FURTHER ORDERED** pursuant to **I.C. § 19-5302** that you shall pay \$ 100.00 reimbursement for costs of testing to the ISP Drug Restitution Account, 700 S. Stratford Dr., Meridian, ID 83642-6202.

☒

**IT IS FURTHER ORDERED** that, the court having found you to have either the present or the future ability to pay, you shall pay court costs and fees on each count or charge as follows:

Emergency Felony Surcharge (crime committed after 4/15/10)	100.00
a. Court costs	17.50
b. Victim's Comp. Fund	75.00
c. P.O.S.T. Fee	15.00
d. KOOTENAI Co. Justice Fund	10.00
e. ISTARs	10.00
f. Victim Notification Fee (VINE)	15.00
g. Peace/Detention Officer Disability Act	3.00
h. Drug Violations Hotline Fee	10.00
i. DV Court Fee	30.00
TOTAL each count or charge	\$ 285.50

☒

**IT IS FURTHER ORDERED** that pursuant to Idaho Code § 18-309 you, **TYSON MICHAEL PIEPER**, shall be given **47** days credit for time served on any sentence imposed on the above charges. (5/22/16 – 7/7/16 = 47)

☒

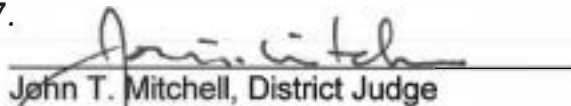
**IT IS FURTHER ORDERED** that any bail posted in this matter shall be exonerated, provided that any deposit shall be applied pursuant to **I.C. § 19-2923**.

#### **NOTICE OF RIGHT TO APPEAL**

**YOU, TYSON MICHAEL PIEPER, ARE HEREBY NOTIFIED** that you have a right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days of the entry of the written order in this matter.

**YOU ARE FURTHER NOTIFIED** that if you are unable to pay the costs of an appeal, you have the right to apply for leave to appeal in forma pauperis or to apply for the appointment of counsel at public expense. If you have questions concerning your right to appeal, you should consult your present lawyer.

DATED this 10<sup>TH</sup> day of JANUARY, 2017.

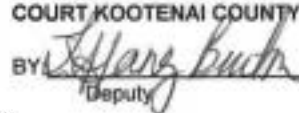
  
John T. Mitchell, District Judge

#### **CERTIFICATE OF MAILING**

I hereby certify that on the 11<sup>th</sup> day of January, 2017 copies of the foregoing Order were mailed, postage prepaid, or sent by facsimile or interoffice mail to:

☒ Defense Attorney - Michael Palmer 446-1701  
☒ Prosecuting Attorney - 446-2168  
☒ Probation & Parole, fax: 769-1481  
☒ Community Service (Interoffice Mail)  
☒ KOOTENAI County Auditor (Interoffice Mail)  
☒ GLOBAL DRUG TESTING via FAX : 664-6045  
☒ IDOC, CCD, IDOC DIST 1 : [Dist1@idoc.idaho.gov](mailto:Dist1@idoc.idaho.gov); [Ccdsentencingd1@idoc.idaho.gov](mailto:Ccdsentencingd1@idoc.idaho.gov); [centralrecords@idoc.idaho.gov](mailto:centralrecords@idoc.idaho.gov)

☒ KOOTENAI County Sheriff  
☒ ID Dept. of Transp. (208) 334-8739  
☒ Idaho Department of Correction  
[certified copy faxed to (208) 327-7445]  
☒ IDOC CCD, fax (208) 658-2186

Defendant, In Court  
**CLERK OF THE DISTRICT  
COURT KOOTENAI COUNTY**  
BY   
Deputy

MICHAEL G. PALMER  
 PALMER GEORGE & TAYLOR PLLC  
 923 N. 3rd Street  
 Coeur d'Alene, ID 83814  
 Telephone: (208) 665-5778  
 Facsimile: (208) 676-1683  
 Email: amber@cdalawoffice.com  
 ISBA# 5488

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF KOOTENAI } SS  
 FILED: *[Signature]*  
 2017 JAN 30 PM 1:21

CLERK DISTRICT COURT  
*[Signature]*  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff/Respondent,	)	
	)	<b>NOTICE OF APPEAL</b>
vs.	)	
	)	
TYSON M. PIEPER,	)	
	)	
Defendant/Appellant.	)	
	)	

TO: KOOTENAI COUNTY PROSECUTOR'S OFFICE; AND THE CLERK OF THE  
 ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named Defendant/Appellant, TYSON M. PIEPER (hereinafter referred to as "Appellant"), appeals against the above-named Plaintiff/Respondent to the Idaho Supreme Court from the Order Denying Defendant's Motion to Suppress, entered in the above-entitled action on the 9th day of November, 2016, the Honorable John T. Mitchell, District Court Judge, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in Paragraph 1 above are appealable orders under and pursuant to I.A.R. 11(c)(1-9).

3. Appellant more specifically appeals the Court's Order Denying Defendant's Motion to Suppress entered on November 9, 2016, in which the Court denied Appellant's Motion to Suppress. The following issues are intended to be raised in this appeal.

(a) Did the District Court err in denying Defendant/Appellant's Motion to Suppress?

(b) Did the District Court err in holding that Defendant/Appellant, in his Motion to Suppress, had the burden of demonstrating that the warrantless police search and seizure was unreasonable?

(c) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that he had been engaged in a consensual encounter with the police?

(d) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that there was not a seizure of Defendant/Appellant at the time the police asked for, and he produced, his driver's license?

(e) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that the evidence found during the police search of Defendant/Appellant, and/or the vehicle he was operating, was admissible and not to be excluded as Fruit of the Poisonous Tree?

(f) Any other issues that may be discovered throughout the appellate process.

6. There is a portion of the record that is sealed. That portion of the record that is seal is the Pre-Sentence Investigation Report (PSI).

7. Reporter's Transcript. Appellant requests the preparation of the entire reporter's standard transcript as defined in I.A.R. 25(d). Appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Motion to Suppress hearing held on November 2, 2016 (Court Reporter: Kim Hannan).

8. Clerk's Record. Appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). Appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

(a) All filings by Plaintiff/Respondent.

(b) All filings by Defendant/Appellant, including but not limited to the Motion to Suppress, Defendant's Memorandum in Support of Motion to Suppress, and the Rule 11 Plea Agreement.

(c) All filings by the Court, including but not limited to the Court's Order Denying Motion to Suppress.

(d) All filings by the Idaho Department of Corrections and/or Probation and Parole (including but not limited to the presentence report, addendums to the presentence report, and reports of probation violations).

9. I certify:

(a) That a copy of this Notice of Appeal has been served on each reporter of whom a transcript has been requested as named below at the address set out below:



Kim Hannan, Court Reporter  
Kootenai County Courthouse  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

(b) That Appellant is exempt from paying the estimated transcript fee because Appellant is indigent and further that the State Appellate Defender has been appointed as his counsel for purposes of this appeal.

(c) That Appellant is exempt from paying the estimated fee for preparation of the clerk's record because Appellant is indigent and further that the State Appellate Defender has been appointed as his counsel for purposes of this appeal.

(d) That Appellant is exempt from paying the appellate filing fee because Appellant is indigent and further that the State Appellate Defender has been appointed as his counsel for purposes of this appeal.

(e) That service has been made upon all parties required to be served pursuant to Rule 20 and the Attorney General of Idaho pursuant to § 67-1401(1), Idaho Code.

DATED this 30 day of January, 2017.

PALMER GEORGE & TAYLOR PLLC

By

  
Michael G. Palmer

Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30 day of January, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 446-2168

State Appellate Public Defender  
P.O. Box 83720  
Boise, ID 83720-0005

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 334-2985

Lawrence G. Wasden  
Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 854-8071



Amber D. Morris

MICHAEL G. PALMER  
 PALMER GEORGE & TAYLOR PLLC  
 923 N. 3rd Street  
 Coeur d'Alene, ID 83814  
 Telephone: (208) 665-5778  
 Facsimile: (208) 676-1683  
 Email: amber@cdalawoffice.com  
 ISBA# 5488

Attorney for Defendant

STATE OF IDAHO  
 COUNTY OF KOOTENAI } SS  
 FILED:  
*Sam*  
 2017 JAN 30 PM 1:24

CLERK DISTRICT COURT  
*(Signature)*  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)
	) Case No. CRF 16-9592
Plaintiff/Respondent,	)
	) <b>AFFIDAVIT OF MICHAEL G.</b>
vs.	) <b>PALMER IN SUPPORT OF MOTION</b>
	) <b>TO APPOINT STATE APPELLATE</b>
TYSON M. PIEPER,	) <b>PUBLIC DEFENDER</b>
	)
Defendant/Appellant.	)
	)

STATE OF IDAHO )  
 : ss.  
 County of Kootenai )

I, MICHAEL G. PALMER, being first duly sworn upon oath, deposes and says:

1. I am the attorney of record in this matter.
2. I am of legal age and sound mind and I am competent to testify.
3. That on May 27, 2016 the Court appointed the Office of the Kootenai County Public Defender to represent Defendant after making a determination that he was indigent.
4. That I was subsequently retained to represent Defendant and that the costs of representation were paid for by Defendant's parents.

5. That in the course of my representation in this matter, I have communicated extensively with Defendant and with Defendant's parents about his personal circumstances including his financial resources.

6. Upon information and belief, based upon my communication with Defendant and his family, I believe that Defendant is without any personal means to pay for legal representation through the appeal process, and further that his financial situation has not improved since I have become his legal counsel.

7. Furthermore, based upon the Court's sentence to the Idaho Department of Corrections having been imposed, Defendant is not in a position to improve his financial circumstances due to his incarceration.

7. That I prepared the Motion to Appoint the State Appellate Public Defender filed herein and that the grounds for granting such motion as stated within it are true to the best of my knowledge and belief.

8. Further your affiant sayeth naught.

DATED this 30 day of January, 2017.



MICHAEL G. PALMER, Affiant

SUBSCRIBED AND SWORN to before me this 30 day of January, 2017.



Notary Public for Idaho

Residing at: CORCORAN BLVD

Commission Expires: 5/3/22

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30 day of January, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 446-2168

State Appellate Public Defender  
P.O. Box 83720  
Boise, ID 83720-0005

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 334-2985

Lawrence G. Wasden  
Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 854-8071



Amber D. Morris

MICHAEL G. PALMER  
 PALMER GEORGE & TAYLOR PLLC  
 923 N. 3rd Street  
 Coeur d'Alene, ID 83814  
 Telephone: (208) 665-5778  
 Facsimile: (208) 676-1683  
 Email: amber@cdalawoffice.com  
 ISBA# 5488

Attorney for Defendant

STATE OF IDAHO } SS  
 COUNTY OF KOOTENAI }  
 FILED: *[Signature]*  
 2017 JAN 30 PM 1:23

CLERK DISTRICT COURT  
*[Signature]*  
 DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
 THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff/Respondent,	)	
	)	<b>MOTION TO APPOINT STATE</b>
vs.	)	<b>APPELLATE PUBLIC DEFENDER</b>
	)	
TYSON M. PIEPER,	)	
	)	
Defendant/Appellant.	)	
	)	

COMES NOW, the above-named Defendant, by and through his attorney, MICHAEL G. PALMER of the law office of PALMER GEORGE & TAYLOR PLLC, and hereby moves the Court for an Order pursuant to Idaho Code §§ 19-867-19-872, and Idaho Appellate Rule 45.1, for its order appointing the State Appellate Public Defender's Office to represent Defendant in all further appellate proceedings and allowing counsel for Defendant to withdraw as counsel of record for purpose of the appeal.

This motion is brought on the grounds and for the reasons that Defendant was without sufficient financial resources to retain private counsel to handle the criminal proceedings before the District Court and such representation was provided by the generosity of his parents. However, Defendant, now sentenced to serve a term of confinement with the Idaho Department of Correction, does not have the means to pay for an appeal. The State Appellate Public Defender is authorized by statute to represent Defendant in all felony appellate proceedings; and it is in the interest of justice, for them to do so in this case since Defendant is indigent. Therefore, it is respectfully requested that the State Appellate Defender be appointed to handle all appellate proceedings herein with private counsel remaining as counsel of record to handle all matters locally before the District Court.

DATED this 30 day of January, 2017.

PALMER GEORGE & TAYLOR PLLC

By 

Michael G. Palmer

Attorney for Defendant/Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 30 day of January, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 446-2168

State Appellate Public Defender  
P.O. Box 83720  
Boise, ID 83720-0005

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 334-2985

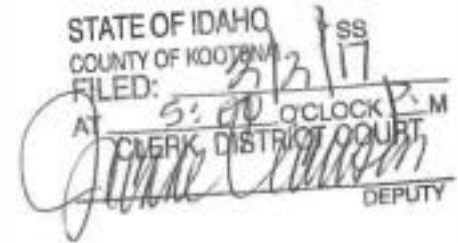
Lawrence G. Wasden  
Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010

☐ U.S. MAIL  
☐ HAND DELIVERED  
☐ OVERNIGHT MAIL  
☒ TELECOPY (FAX) to: (208) 854-8071



Amber D. Morris





IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

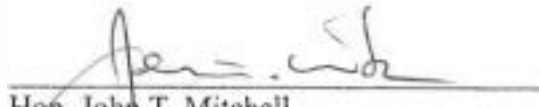
STATE OF IDAHO,	)	
	)	Case No. CRF 16-9592
Plaintiff/Respondent,	)	
	)	<b>ORDER FOR APPOINTMENT OF</b>
vs.	)	<b>STATE APPELLATE PUBLIC</b>
	)	<b>DEFENDER</b>
TYSON M. PIEPER,	)	
	)	
Defendant/Appellant.	)	

THE COURT having reviewed and considered the Defendant's Motion for Appointment of State Appellate Public Defender; and for good cause appearing; NOW, THEREFORE;

IT IS HEREBY ORDERED that the State Appellate Public Defender's Office is appointed to represent Defendant in all further appellate proceedings.

IT IS FURTHER ORDERED that MICHAEL G. PALMER of the law firm of PALMER GEORGE & TAYLOR PLLC, shall remain local counsel to represent Defendant in all regards in proceedings before the First District Court in Kootenai County.

DATED this 2<sup>nd</sup> day of February, 2017.

  
Hon. John T. Mitchell

CLERK'S CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 6 day of February, 2017, I caused to be served a true and correct copy of the foregoing by the method indicated below, and addressed to the following:

Kootenai County Prosecutor's Office  
501 N. Government Way  
P.O. Box 9000  
Coeur d'Alene, ID 83816-9000



U.S. MAIL  
TELECOPY (FAX) to: (208) 446-2168

Michael G. Palmer  
Palmer George & Taylor PLLC  
923 N. 3rd Street  
Coeur d'Alene, ID 83814



U.S. MAIL  
TELECOPY (FAX) to: (208) 676-1683

State Appellate Public Defender  
P.O. Box 83720  
Boise, ID 83720-0005



U.S. MAIL  
TELECOPY (FAX) to: (208) 334-2985

Lawrence G. Wasden  
Attorney General  
P.O. Box 83720  
Boise, ID 83720-0010



U.S. MAIL  
TELECOPY (FAX) to: (208) 854-8071

Idaho Supreme Court  
P.O. Box 83720  
Boise, ID 83720-0010



U.S. MAIL  
TELECOPY (FAX) to: (208) 334-2530

#6982

JIM BRANNON  
CLERK OF THE DISTRICT COURT

By: Debbie Clausen

DEPUTY

Cindy O'Reilly

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Tuesday, February 21, 2017 10:24 AM  
**To:** kjh.hannan@gmail.com; EFREDERICKSEN@SAPD.STATE.ID.US; JMITCHELL@KCGOV.US;  
coreilly@kcgov.us; ecf@ag.idaho.gov; documents@sapd.state.id.us;  
mlara@sapd.state.id.us  
**Subject:** 44818 - STATE v. TYSON PIEPER (Kootenai CR-2016-9592)  
**Attachments:** 44818 SAPD.pdf; 44818 CC.pdf; 44818 ORDER.pdf; 44818 NOA.pdf

2017 FEB 21 PM 3:38

CLERK'S OFFICE

*Tyson Michael Pieper*

FILED NOTICE OF APPEAL - TRANSCRIPT REQUESTED - SEE ALL ATTACHMENTS. Please review the CLERK'S CERTIFICATE OF APPEAL and notify the Court of any errors. \*\*SET DUE DATE - TRANSCRIPT (Reporter's lodging date is 03-21-17) AND CLERK'S RECORD DUE 04-25-17\*\*

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO  
Plaintiff/Respondent

Vs.

Tyson Michael Pieper  
Defendant/Appellant

SUPREME COURT NO 44818

CLERK'S CERTIFICATE  
OF APPEAL

Appeal From: FIRST JUDICIAL DISTRICT, KOOTENAI COUNTY  
HONORABLE JUDGE, John T. Mitchell, Presiding.

Court Case CR 2016-9592

Order Denying Defendant's Motion To Suppress Entered On November 9, 2016.

Attorney for Appellant: Eric D. Fredericksen, State Appellate Public Defender

Attorney for Respondent: Lawrence G. Wasden Office Attorney General

Appeal By: Tyson Michael Pieper

Appeal Against: State of Idaho

Notice of Appeal Filed: 1-30-17

Notice of Cross Appeal Filed: N/A

Appellant Fee Paid: N/A

Was District Court Reporter's Transcript requested? Yes

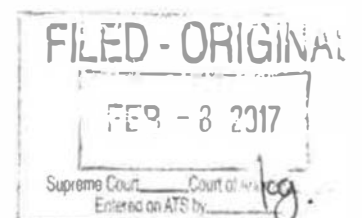
Name of Reporter: Kim Hannan

DATE: 2-6-17

JIM BRANNAN  
CLERK OF DISTRICT COURT

By:

CLERK'S CERTIFICATE OF APPEAL



ERIC D. FREDERICKSEN  
State Appellate Public Defender  
I.S.B. #6555

ERIK R. LEHTINEN  
Chief, Appellate Unit  
I.S.B. #6247  
322 E. Front Street, Suite 570  
Boise, Idaho 83702  
Phone: (208) 334-2712  
Fax: (208) 334-2985

STATE OF IDAHO  
COUNTY OF KOOTENAI } SS  
FILED:  
2017 MAR 16 PM 4:06

CLERK DISTRICT COURT  
Cindy A. Bully  
DEPUTY

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT  
OF THE STATE OF IDAHO, IN AND FOR KOOTENAI COUNTY

STATE OF IDAHO,

Plaintiff-Respondent,

v.

TYSON MICHAEL PIEPER,

Defendant-Appellant.

CASE NO. CR 2016-9592

S.C. DOCKET NO. 44818

AMENDED  
NOTICE OF APPEAL

TO: THE ABOVE-NAMED RESPONDENT, STATE OF IDAHO, AND THE PARTY'S ATTORNEYS, BARRY MCHUGH, KOOTENAI COUNTY PROSECUTOR, P.O. BOX C-9000, COEUR D'ALENE, ID 83814 AND THE CLERK OF THE ABOVE-ENTITLED COURT:

NOTICE IS HEREBY GIVEN THAT:

1. The above-named ~~Defendant~~Appellant, ~~Tyson M. Pieper~~ (hereinafter referred to as "Appellant"), appeals against the above-named ~~Plaintiff~~Respondent to the Idaho Supreme Court from the ~~Order Denying Defendant's Motion to Suppress~~ Sentencing Disposition and Notice of ~~Right to Appeal~~ entered in the above-entitled action on the ~~18<sup>th</sup>~~ 10<sup>th</sup> day of ~~November~~ January ~~2016~~ 2017, the Honorable John T. Mitchell, presiding.

2. That the party has a right to appeal to the Idaho Supreme Court, and the judgments or orders described in paragraph 1 above are appealable orders under and pursuant to Idaho Appellate Rule (I.A.R.) 11(c)(1-9).

3. A preliminary statement of the issues on appeal, which the appellant then intends to assert in the appeal, provided any such list of issues on appeal shall not prevent the appellant from asserting other issues on appeal, is/are:

(a) Did the District Court err in denying Defendant/Appellant's Motion to Suppress?

(b) Did the District Court err in holding that Defendant/Appellant, in his Motion to Suppress, had the burden of demonstrating that the warrantless police search and seizure was unreasonable?

(c) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that he had been engaged in a consensual encounter with the police?

(d) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that there was not a seizure of Defendant/Appellant at the time the police asked for, and he produced, his driver's license?

(e) Did the District Court err in holding, in Defendant/Appellant's Motion to Suppress, that the evidence found during the police search of Defendant/Appellant, and/or the vehicle he was operating, was admissible and not to be excluded as Fruit of the Poisonous Tree?

(f) Any other issues that may be discovered throughout the appellate process.

4. There is a portion of the record that is sealed. That portion of the record that is sealed is the Pre-Sentence Investigation Report (PSI).

5. **Reporter's Transcript.** The appellant requests the preparation of the **entire reporter's standard transcript** as defined in I.A.R. 25(d). The appellant also requests the preparation of the additional portions of the reporter's transcript:

(a) Motion to Suppress Hearing held on November 2, 2016 (Court Reporter: Kim Hannan, no estimation of pages is listed on the Register of Actions);

(b) Change of Plea Hearing held on November 9, 2016 (Court Reporter: Julie Foland, no estimation of pages is listed on the Register of Actions); and

(c) Sentencing Hearing held on January 10, 2017 (Court Reporter: Julie Foland, estimation of under 100 pages is listed on the Register of Actions).

6. **Clerk's Record.** The appellant requests the standard clerk's record pursuant to I.A.R. 28(b)(2). The appellant requests the following documents to be included in the clerk's record, in addition to those automatically included under I.A.R. 28(b)(2):

(a) ~~All filings by Plaintiff/Respondent.~~

(b) All filings by ~~Defendant~~/Appellant, including but not limited to the Motion to Suppress, Defendant's Memorandum in Support of Motion to Suppress, and the Rule 11 Plea Agreement.

- (c) All filings by the Court, including but not limited to the Court's Order Denying Motion to Suppress.
- (d) All filings by the Idaho Department of Corrections and/or Probation and Parole (including but not limited to the presentence reporter, addendums to the presentence report, and reports of probation violations);
- (e) Affidavit of Probable Cause filed May 23, 2016;
- (f) Reimbursement Memorandum filed June 2, 2016;
- (g) Objection to Consideration of Evidence Subject to Suppression and Notice of Intent to Produce Evidence and Cross Examine State Witnesses filed June 3, 2016;
- (h) Amended Reimbursement Memorandum filed June 14, 2016;
- (i) Notice to Defendant filed July 8, 2016;
- (j) Waiver of Extradition filed July 8, 2016;
- (k) Notice of Lodging Preliminary Hearing Transcript – 38 pages, Valerie Nunemacher filed September 8, 2016;
- (l) Receipt of Transcript – Defense Attorney filed September 8, 2016;
- (m) Receipt of Transcript – KCPA filed September 12, 2016;
- (n) Memorandum in Support of Defendant's Motion to Suppress filed October 20, 2016;
- (o) Brief in Opposition to Motion to Suppress and Dismiss filed November 1, 2016;
- (p) Pretrial Settlement Offer filed November 9, 2016;
- (q) Rule 11 Plea Agreement filed November 9, 2016; and



(r) Any affidavits, objections, responses, briefs or memorandums, filed or lodged, by the state, appellant or the court in support of or in opposition to the Motion to Suppress and sentencing hearing;

(s) Any exhibits, including but not limited to the PSI, letters or victim impact statements, addendums to the PSI or other items offered at sentencing hearing. Except that any pictures or depictions of child pornography necessary to the appeal need not be sent, but may be sought later by motion to the Idaho Supreme Court.

7. I certify:

(a) That a copy of this Amended Notice of Appeal has been served on each ~~reporter of whom a transcript has been requested as named below at the address set out below:~~ of the Court Reporter(s), Kim Hannan and Julie Foland;

(b) That the appellant is exempt from paying the estimated fee for the preparation of the record because the appellant is indigent and further that ~~the State Appellate Defender has been appointed as his counsel for purposes of this appeal.~~ (I.C. §§ 31-3220, 31-3220A, I.A.R. 27(f));

(c) ~~That the Appellant is exempt from paying the appellate filing fee because Appellant is indigent and further that the State Appellate Defender has been appointed as his counsel for purposes of this appeal.~~ That there is no appellate filing fee since this is an appeal in a criminal case (I.C. §§ 31-3220, 31-3220A, I.A.R. 23(a)(8));

(d) ~~That Appellant is exempt from paying the estimated transcript fee because Appellant is indigent and further that the State Appellate Defender has been appointed as his counsel for purposes of this appeal.~~  
That arrangements have been made with Kootenai County who will be responsible for paying for the reporter's transcript, as the client is indigent, (I.C. §§ 31-3220, 31-3220A, I.A.R. 24(h)); and

(e) That service has been made upon all parties required to be served pursuant to I.A.R 20.

DATED this 16<sup>th</sup> day of March, 2017.



ERIK R. LEHTINEN  
Chief, Appellate Unit

CERTIFICATE OF MAILING

I HEREBY CERTIFY that I have this 16<sup>th</sup> day of March, 2017, caused a true and correct copy of the attached AMENDED NOTICE OF APPEAL to be placed in the United States mail, postage prepaid, addressed to:

MICHAEL G PALMER  
ATTORNEY AT LAW  
923 N 3RD STREET  
COEUR D'ALENE IDAHO 83814

JULIE FOLAND  
COURT REPORTER  
PO BOX 9000  
COEUR D'ALENE ID 83816-9000

KIM HANNAN  
COURT REPORTER  
422 E JEFFREY PINE LANE  
COEUR D'ALENE ID 83815

BARRY MCHUGH  
KOOTENAI COUNTY PROSECUTOR  
PO BOX C-9000  
COEUR D'ALENE ID 83814

KENNETH K JORGENSEN  
DEPUTY ATTORNEY GENERAL - CRIMINAL DIVISION  
Hand delivered to Attorney General's mailbox at Supreme Court



MARY ANN LARA  
Administrative Assistant

ERL/mal

STATE OF IDAHO  
COUNTY OF KOOTENAI LSS  
FILED: 3/21/17  
AT 4:09 O'CLOCK P.M.  
CLERK DISTRICT COURT  
DEPUTY

NOTICE OF PREPARATION OF ORIGINAL TRANSCRIPT

TO: Clerk of the District Court - KOOTENAI COUNTY

DATE: March 21, 2017

CASE: State of Idaho vs. TYSON PIEPER

CASE NO: Supreme Court Docket # 44818

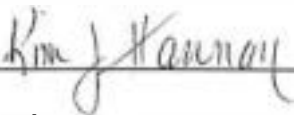
District Court No. CR-16-9592

Notice is hereby given to the District Court Clerk that the transcript totaling 74 pages, entitled State of Idaho vs. Tyson Pieper, dated November 2, 2016, has been delivered to the following recipients:

DAVID ROBINS  
Prosecuting Attorney  
PO Box 9000  
Coeur d'Alene, ID 83816

MICHAEL G. PALMER  
Attorney at Law  
923 North 3rd Street  
Coeur d'Alene, ID 83814

If additional copies of transcripts are requested, please contact Kim Hannan, Court Reporter, at KJH.Hannan@gmail.com.

  
Kim J. Hannan s/s

Cindy O'Reilly

STATE OF IDAHO  
COUNTY OF KOOTENAI  
FILED: 3 SS

**From:** supremecourtdocuments@idcourts.net  
**Sent:** Wednesday, March 22, 2017 08:54 AM  
**To:** mlara@sapd.state.id.us; documents@sapd.state.id.us;  
EFREDERICKSEN@SAPD.STATE.ID.US; kjh.hannan@gmail.com; JFOGLAND@KCGOV.US;  
ecf@ag.idaho.gov; coreilly@kcgov.us; JMITCHELL@KCGOV.US  
**Subject:** 44818 - STATE v. TYSON PIEPER (Kootenai CR-2016-9592)  
**Attachments:** 44818 ANOA.pdf

2017 MAR 22 AM 9:18

DEPUTY CLERK OF COURT  
[Signature]

FILED AMENDED NOTICE OF APPEAL (additional documents, transcripts & Reporter identified; transcript previously requested has already been prepared & lodged with the Court) - PLEASE SEE ATTACHMENT.  
\*\*RESET DUE DATE - TRANSCRIPTS (Reporter's lodging date is 04-21-17) AND CLERK'S RECORD NOW DUE 05-26-17\*\*



**Julie K. Foland**

Official Court Reporter - ID CSR No. 639

324 West Garden Avenue • PO Box 9870

Coeur d'Alene, Idaho 83816-9870

Phone: (208) 446-1130

Email: jfoland@kcgov.us

2017 MAR 29 AM 11:13 TX

CLERK DISTRICT COURT  
DEPUTY

TO: Clerk of the Court  
Idaho Supreme Court  
451 West State Street  
Boise, Idaho 83720

DOCKET NO. 44818

CR111-9592

( STATE OF IDAHO

(

( vs.

(

( TYSON MICHAEL PIEPER

### **NOTICE OF TRANSCRIPT LODGED**

Notice is hereby given that on March 29, 2017, I lodged a transcript of 22 pages in length, including the November 9, 2016, Entry of Plea, and the January 10, 2017, Sentencing in the above-referenced appeal with the District Court Clerk of the County of Kootenai in the First Judicial District.

JULIE K. FOLAND

March 29, 2017

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO	)	SUPREME COURT
	)	44818
Plaintiff/Respondent	)	CASE NUMBER
	)	CR 2016-9592
	)	
	)	CLERK'S CERTIFICATE
VS.	)	
Tyson Michael Pieper	)	
<u>Defendant/Appellant</u>	)	

I, Taylor Kipp Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that the foregoing Record in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I further certify that the following will be submitted as Exhibit's to this Record on Appeal:

Plaintiff's Exhibit's 1-2 Filed 6/30/16

Defendant's Exhibit's A-B (B is a disc) Filed 11/2/16

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this day April 28, 2017

CLERK OF DISTRICT COURT

JIM BRANNON

By: 

Deputy Clerk

Taylor Kipp

CLERK'S CERTIFICATE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO	)	SUPREME COURT
	)	44818
Plaintiff/Respondent	)	CASE NUMBER
	)	CR 2016-9592
	)	
	)	CLERK'S CERTIFICATE
VS.	)	
Tyson Michael Pieper	)	
<u>Defendant/Appellant</u>	)	

I, Taylor Kipp Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that the foregoing Record in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I further certify that the following will be submitted as Transcript Documents to this Record on Appeal:

Preliminary Hearing Transcript From 6/30/16 Filed 9/8/16

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this day April 28, 2017

CLERK OF DISTRICT COURT

JIM BRANNON

By:

  
Deputy Clerk

Taylor Kipp  
CLERK'S CERTIFICATE



IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF  
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO

Plaintiff/Respondent

VS.

Tyson Michael Pieper

Defendant/Appellant

SUPREME COURT

44818

CASE NUMBER

CR 2016-9592

CLERK'S CERTIFICATE

I, Taylor Kipp Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that the foregoing Record in this cause was compiled and bound under my direction and is a true, correct and complete Record of the pleadings and documents requested by Appellate Rule 28.

I further certify that the following will be submitted as PSI Documents to this Record on Appeal:

Presentence Report Filed 1/6/17

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the said Court this day April 28, 2017

CLERK OF DISTRICT COURT

JIM BRANNON

By: 

Deputy Clerk

Taylor Kipp

CLERK'S CERTIFICATE

IN THE DISTRICT COURT OF THE FIRST JUDICIAL DISTRICT OF THE  
STATE OF IDAHO, IN AND FOR THE COUNTY OF KOOTENAI

STATE OF IDAHO

Plaintiff/Respondent

VS.

Tyson Michael Pieper  
Defendant/Appellant

SUPREME COURT 44818

CASE CR 2016-9592

CERTIFICATE OF SERVICE

I, Taylor Kipp, Deputy Clerk of the District Court of the First Judicial District of the State of Idaho, in and for the County of Kootenai, do hereby certify that I have personally served or mailed, by United States Mail, one copy of the Clerk's Record to each of the attorneys of record in this cause as follows:

Mr. Eric D. Fredericksen  
State Appellate Public Defender  
322 East Front St, Suite 570  
Boise, ID 83702

Attorney for Appellant

Mr. Lawrence Wasden  
Attorney General State of  
700 W. Jefferson # 210  
Boise ID 83720-0010

Attorney for Respondent

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Court this 28<sup>th</sup> day of April 2017.

Jim Brannon  
Clerk of District Court

By   
Taylor Kipp, Deputy Clerk

CERTIFICATE OF SERVICE